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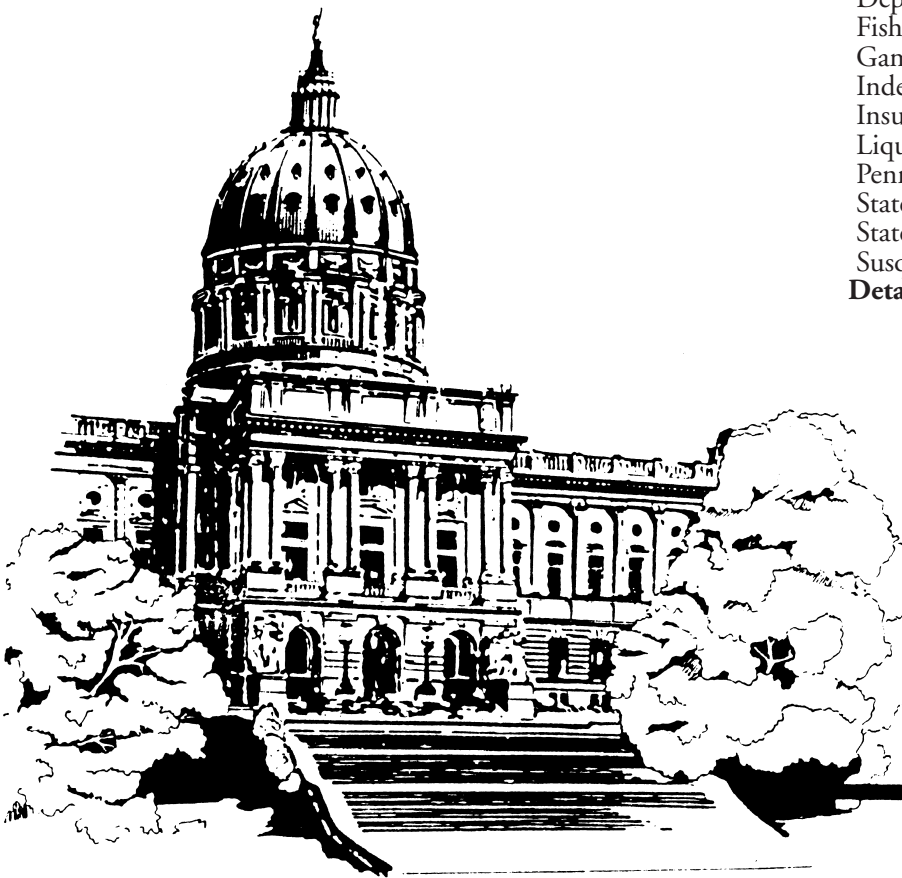
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 558, May 2021

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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. 7]

[EXECUTIVE ORDER NO. 2020-04 AS AMENDED]

Pennsylvania State Law Enforcement Citizen Advisory Commission

April 30, 2021

Whereas, the Commonwealth is committed to bipartisan criminal justice reforms that are fair and inclusive and support public safety; and

Whereas, in order to move forward successfully as a Commonwealth, systemic failings that have created inequities must be addressed; and

Whereas, the Commonwealth must take action to improve law enforcement relations with the community and to strengthen accountability of law enforcement personnel; and

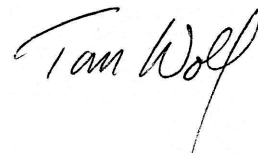
Whereas, improved law enforcement requires supporting the mental health and training needs of law enforcement personnel; and

Whereas, the Commonwealth is committed to identifying necessary system-level reforms to promote transparency, fairness, and accountability among the Commonwealth's state law enforcement agencies; and

Whereas, citizen engagement and participation are essential to assist the Commonwealth in fulfilling these commitments; and

Whereas, with input from this Commission, the Commonwealth's law enforcement agencies can serve as a model of excellence for law enforcement throughout Pennsylvania and the country.

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, within the Office of the State Inspector General, the Pennsylvania State Law Enforcement Citizen Advisory Commission as hereinafter set forth.



Governor

Fiscal Note: GOV-2020-04 (Amended). No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter BBB. PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION

§ 7.861. Purpose.

The purpose of the Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission) is to improve policing practices within law enforcement agencies under the Governor's jurisdiction. The Commission is comprised of citizens of this Commonwealth focused on promoting transpar-

ency, fairness and accountability among the Commonwealth's State law enforcement agencies by examining events and conducting reviews of policies, practices and procedures.

§ 7.862. Covered agencies.

All law enforcement agencies under the Governor's jurisdiction, including, but not limited to, the Pennsylvania State Police, the Department of General Services Capitol Police, and the Department of Conservation and Natural Resources Park Rangers.

§ 7.863. Terms and definitions.

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

Administrative adjudication—The completion of any internal investigation, with an administrative finding of "sustained," "not-sustained" or "unfounded" or the agency equivalent thereof, where all disciplinary penalties have been imposed and all contractual remedies, including grievance and arbitration proceedings, have been exhausted.

Criminal History Record Information Act (CHRIA) information—All information that cannot be disclosed to non-criminal justice agencies pursuant to CHRIA, 18 Pa.C.S. Chapter 91 (relating to criminal history record information), including but not limited to criminal history information, intelligence information, investigative information as defined by CHRIA, 18 Pa.C.S. Chapter 91.

Criminal Justice Information Services (CJIS) information—Any information that is obtained or derived from a CJIS system, including, but not limited to, information from the Interstate Identification Index System (III System), the National Crime Information Center (NCIC) and the International Justice and Public Safety Information Sharing Network (Nlets).

Completed internal investigative findings—The final administrative determination by the covered agency that the Pennsylvania State Law Enforcement Citizen Advisory Commission is authorized to review after a case has been fully investigated and adjudicated (both criminally, when warranted, and administratively, through and including any arbitration proceedings), and where no civil litigation has commenced, and where all applicable statutes of limitation have elapsed or all civil and civil rights litigation has concluded. Where civil action commences during the pendency of a review, this review shall cease until the litigation has concluded.

Criminal adjudication—Either a determination by the applicable prosecutor to decline prosecution or all judicial procedures up to and including sentencing and applicable appeals periods have occurred.

Injury—As it relates to § 7.864(b) (relating to Pennsylvania State Law Enforcement Advisory Commission), those injuries which require advanced medical treatment beyond basic first aid.

Law Enforcement Sensitive (LES) information — Information that if disclosed could harm, jeopardize or threaten the investigations, operations or other law enforcement/public safety activities of a law enforcement agency as determined by that agency.

Non-public information—Any information that is exempt from public disclosure under section 708(b) of the Right-to-Know Law (65 P.S. § 67.708(b)), including, but not limited to, records that would threaten a public safety activity or related to a criminal or internal investigation.

Personal Identifiable Information (PII)—Information that, when used alone or with other relevant data, can identify an individual. PII may contain direct identifiers (such as, passport information) that can identify a person uniquely or quasi-identifiers (such as, race) that can be combined with other quasi-identifiers (such as, date of birth) to successfully identify an individual.

Primary jurisdiction—An area where the Pennsylvania State Police (PSP) provides full police services for a political subdivision that is without the protection of an organized police department and the PSP responds to all calls for police assistance.

Random sampling—A sampling of completed internal investigative findings for lower level uses of force chosen by way of random selection of a predetermined number of cases without specific knowledge of the persons involved or incident details.

§ 7.864. Pennsylvania State Law Enforcement Advisory Commission.

(a) The Pennsylvania State Law Enforcement Advisory Commission (Commission) is established within the Office of State Inspector General, which shall provide administrative support and assistance to the Commission.

(b) *Authority and responsibilities.*

(1) *Reviews of completed investigative findings:* The Commission is authorized to perform reviews of the covered agencies' completed internal investigative findings related to allegations and incidents related to use of force and bias-based policing in the following categories:

(i) All investigations of police-involved shootings resulting in injury or death of civilians conducted by covered agencies; and

(ii) A representative, random sampling of investigations of lower level uses of force resulting in injury or death, including arrest and control techniques, baton strikes and conducted energy weapon deployments; and

(iii) All investigations related to allegations of racial or ethnic discrimination and other bias-based policing or external complaints of bias or discrimination during interactions with covered agencies' law enforcement officers. The term "bias-based policing" means the unreasonable use of race, ethnicity, national origin, gender or religion by a law enforcement officer in deciding to initiate an enforcement action. It is not racial or other biased-based policing when race, ethnicity, national origin, gender or religion is used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.

(2) *Scope of review:* The Commission shall review the completed investigative findings set forth in subsection (b)(1) to determine:

(i) Whether the investigations were prompt, fair, impartial, and complete, and performed in a manner consistent with applicable policies or regulations, or both.

(ii) Whether the findings and discipline were reasonable under applicable law enforcement protocol, including but not limited to the covered agency's just cause standard, rules and regulations, collective bargaining agreements, past disciplinary precedent or grievance, or both, and arbitration decisions.

(iii) To the extent the review identifies a perceived policy or training deficiency, the Commission shall provide a recommendation to correct the perceived deficiency for consideration by the covered agency.

(3) *Methodology of review:*

(i) The covered agencies will provide the Commission with a comprehensive written summary and oral presentation of the completed internal investigative findings. The summary shall include a description of all investigative activities, relevant dates, a summary of the facts as determined by the investigation, and criminal and administrative adjudications, excluding all PII; CHRIA information; CJIS information; or other information restricted by State or Federal law.

(ii) The Commission's requests for additional supporting documents shall be limited to information directly related to the investigative findings under review by the Commission and shall be redacted of all PII, CHRIA, CJIS information or other information restricted by State or Federal law.

(4) *Review results and recommendations:* The Commission shall prepare a report of each review and include recommendations based upon its review, if warranted. Recommendations must be approved by a majority of the voting members of the Commission. Covered agencies will review the recommendations and provide the Commission with a written response

including what, if any, recommendations it may implement. If recommendations cannot or will not be implemented, the covered agency will provide an explanation.

(c) *Prerequisite training for members.* Prior to performing any functions as a member of the Commission, each voting member shall complete the following training, including, but not limited to: use of force; stop, search and arrest; traffic enforcement; bias-based policing; internal affairs process; all covered agencies' discipline procedures (including the disciplinary provisions of collective bargaining agreements and administrative processes, administrative proceedings, and burdens of proof); covered agencies' rules and regulations for its law enforcement officers; Governor's Code of Conduct, and constitutional law. A Commission member who fails to complete the prerequisite training is prohibited from attending covered agencies presentations, as well as reviewing and voting on completed investigative findings.

§ 7.765. Composition.

The Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission) shall consist of the following:

(a) *Voting members.* Fifteen members appointed by the Governor, which shall include one representative from each of the Pennsylvania State Police (PSP) current Troop geographic areas, and specifically from areas of the PSP's primary jurisdiction, and six additional citizen members chosen at large.

(b) *Ex-officio members.* Six non-voting members:

- (1) Appointee from the Office of the Governor;
- (2) The General Counsel or designee;
- (3) Commissioner of PSP or designee;
- (4) Chief of Capitol Police or designee;
- (5) Secretary of the Department of Conservation and Natural Resources or designee; and
- (6) Chair of the Pennsylvania Commission on Crime and Delinquency or designee.

(c) *Chairperson.* The Deputy Inspector General or designee appointed by the Inspector General will chair the Commission.

§ 7.866. Terms of membership.

Voting members shall serve the terms of their appointment and until a successor is appointed. Members may serve no more than two terms. Initially, 11 voting members shall be appointed for a term of 2 years, and 10 voting members shall be appointed for an initial term of 3 years, the initial terms to be served beginning from the effective date of this subchapter. Thereafter, all terms shall be 4 years.

§ 7.867. Removal.

A Pennsylvania State Law Enforcement Commission member may be removed by the Governor, including for cause.

§ 7.868. Vacancies and membership.

Should a vacancy occur among the Governor's appointees on the Pennsylvania State Law Enforcement Commission (Commission), the Governor will appoint a successor to complete the term of the vacancy.

(a) Commission membership shall reflect the diversity of this Commonwealth and include individuals who have experience and interest in building trust and legitimacy among law enforcement and the citizens they serve.

(b) Commission members shall not use any information (including any confidential or protected information as defined in in § 7.863 (relating to terms and definitions) obtained through the fulfillment of Commission responsibilities for any other purpose. No Commission member may be a party to or represent any party in litigation involving any of the covered agencies.

§ 7.869. Duties and responsibilities of the chairperson.

(a) The chairperson will be responsible for convening meetings, producing the annual report described in § 7.873 (relating to reports) and other administrative responsibilities of the Pennsylvania State Law Enforcement Advisory Commission.

(b) The chairperson will establish committees to conduct the review functions identified in § 7.864(b) (relating to Pennsylvania State Law Enforcement Commission).

§ 7.870. Procedures.

(a) The Pennsylvania State Law Enforcement Commission (Commission) may establish subcommittees, rules and procedures necessary to effectively implement its authority and responsibilities included in this subchapter. Subcommittees may only include voting and ex officio members of the Commission. All committees shall be chaired by a voting member of the Commission.

(b) A majority of voting members of the Commission shall constitute a quorum.

(c) The Commission shall meet four times a year, unless otherwise determined by the chairperson.

(d) Commission members may attend meetings in person or remotely by electronic or telephonic means. In-person and remote participation shall be considered attendance for purposes of constituting a quorum.

§ 7.871. Compensation.

Members of the Pennsylvania State Law Enforcement Advisory Commission shall receive no compensation for their service, except that members may be reimbursed for travel and related expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

§ 7.872. Responsibilities.

The Pennsylvania Commission on Crime and Delinquency may assist the Office of State Inspector General, as requested.

§ 7.873. Reports.

The Pennsylvania State Law Enforcement Advisory Commission shall prepare and submit an annual report to the Governor or the Governor's designee, and other reports as may be requested by the Governor. The annual report shall be published on the web site of the Office of State Inspector General. Publicly accessible reports may not include any information that is personal or sensitive in nature or confidential, or both, privileged, protected, or otherwise prohibited or exempt from public disclosure by law, regulation or judicial order, including but not limited to any PII, any non-public information, CHRIA information, CJIS information or other information restricted by State or Federal laws or deemed by the affected covered agency to be law enforcement sensitive.

§ 7.874. Public statements.

Outside of statements required 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Pennsylvania State Law Enforcement Advisory Commission (Commission) meetings and required reports, no member of the Commission shall make any individual public statements regarding any deliberations, discussions, debate, or review of any of the completed internal investigative findings of the covered agencies or recommendations of the Commission.

§ 7.875. Implementation.

(a) All covered agencies shall cooperate and provide assistance to the Pennsylvania State Law Enforcement Advisory Commission (Commission) as needed to perform its functions. Notwithstanding any document retention periods, all covered agencies must take affirmative steps to preserve any and all records and information relating to covered agencies' completed internal investigations that fall within the Commission's purview for the time period necessary for the Commission to complete its review.

(b) All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this subchapter.

§ 7.876. General provisions.

Nothing in this subchapter shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency or the head thereof. This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies, or entities, its officers, employees, or agents or any other person.

§ 7.877. Effective date.

This subchapter shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 21-791. Filed for public inspection May 21, 2021, 9:00 a.m.]

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

May 7, 2021

Whereas, on January 10, 2018, I declared a disaster emergency due to the opioid crisis that is ravaging the country, including the Commonwealth of Pennsylvania and its citizens;

Whereas, my Proclamation of Disaster Emergency dated January 10, 2018, was renewed by Amendment to Proclamation of Disaster Emergency (1st Amendment) on April 4, 2018, for an additional ninety days. The April 4, 2018, 1st Amendment would have automatically expired by operation of law on July 3, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on June 28, 2018. The June 28, 2018, Amendment to Proclamation of Disaster Emergency (2nd Amendment) was set to expire by operation of law on September 26, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on September 24, 2018. The September 24, 2018, Amendment to Proclamation of Disaster Emergency (3rd Amendment) was set to expire by operation of law on December 23, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on December 21, 2018. The December 21, 2018, Amendment to Proclamation of Disaster Emergency (4th Amendment) was set to expire by operation of law on March 21, 2019, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on March 20, 2019. The March 20, 2019, Amendment to Proclamation of Disaster Emergency (5th Amendment) was set to expire by operation of law on June 18, 2019, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on June 14, 2019. The June 14, 2019, Amendment to Proclamation of Disaster Emergency (6th Amendment) was set to expire by operation of law on September 12, 2019, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on September 5, 2019. The September 5, 2019, Amendment to Proclamation of Disaster Emergency (7th

Amendment) was set to expire by operation of law on December 4, 2019, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on December 3, 2019. The December 3, 2019, Amendment to Proclamation of Disaster Emergency (8th Amendment) was set to expire by operation of law on March 2, 2020, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on February 25, 2020. The February 25, 2020, Amendment to Proclamation of Disaster Emergency (9th Amendment) was set to expire by operation of law on May 25, 2020, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on May 22, 2020. The May 22, 2020, Amendment to Proclamation of Disaster Emergency (10th Amendment) was set to expire by operation of law on August 20, 2020, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on August 18, 2020. The August 18, 2020, Amendment to Proclamation of Disaster Emergency (11th Amendment) was set to expire by operation of law on November 16, 2020, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on November 12, 2020. The November 12, 2020, Amendment to Proclamation of Disaster Emergency (12th Amendment) was set to expire by operation of law on February 10, 2021, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on February 9, 2021. The February 9, 2021, Amendment to Proclamation of Disaster Emergency (13th Amendment) is set to expire by operation of law on May 10, 2021, unless further extended by my official renewal;

Whereas, the opioid crisis continues to be of such magnitude or severity that emergency action is necessary to protect the health, safety and welfare of affected citizens in Pennsylvania;

Whereas, the opioid crisis continues to be a public health emergency in Pennsylvania contributing to addiction, overdose emergencies and deaths; and

Whereas, investigations by the Opioid Unified Coordination Group indicate that additional resources of the Commonwealth may be needed to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

Now Therefore, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), I do hereby order and direct as follows:

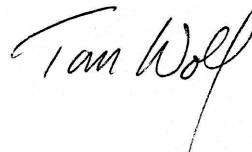
1. The Proclamation of Disaster Emergency of January 10, 2018, renewed by Amendments to Proclamation of Disaster Emergency dated April 4, 2018, June 28, 2018, September 24, 2018, December 21, 2018, March 20, 2019, June 14, 2019, September 5, 2019, December 3, 2019, February 25, 2020, May 22, 2020, August 18, 2020, November 12, 2020, and February 9, 2021, is renewed for an additional period of ninety days, and shall continue to apply to the Commonwealth of Pennsylvania.

2. All directives, authorized actions and provisions of the January 10, 2018, Proclamation of Disaster Emergency, and the April 4, 2018, June 28, 2018, September 24, 2018, December 21, 2018, March 20, 2019, June 14, 2019, September 5, 2019, December 3, 2019, February 25, 2020, May 22, 2020, August 18, 2020, November 12, 2020 and February 9, 2021, Amendments to Proclamation of Disaster Emergency shall remain in full force and effect until either rescinded by me or terminated by operation of law ninety days following the effective date of this Proclamation Amendment.

THE GOVERNOR

3. This Proclamation Amendment (14th Amendment) shall take effect immediately.

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



Governor

[Pa.B. Doc. No. 21-792. Filed for public inspection May 21, 2021, 9:00 a.m.]

GOVERNOR'S OFFICE
Proclamation Terminating the Disaster Emergency

May 11, 2021

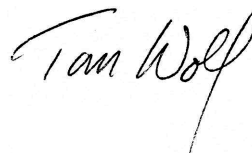
Whereas, on April 15, 2021, I proclaimed the existence of a disaster emergency in the Commonwealth to plan and pre-position assets to cope with any incidences of potential civil disturbance that may occur following the death of Daunte Wright and during and following the Derek Chauvin trial; and

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

Whereas, ongoing monitoring of conditions made at my direction have disclosed that any adverse impacts of potential civil disturbance have been mitigated such that emergency conditions no longer exist.

Now Therefore, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7101 et seq., I do hereby proclaim the termination of the April 15, 2021 disaster emergency related to civil disturbance in the Commonwealth of Pennsylvania.

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



Governor

[Pa.B. Doc. No. 21-793. Filed for public inspection May 21, 2021, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 6]

Amendment of the Note to Rule 601 and Rescission of Rule 604 of the Pennsylvania Rules of Judicial Administration; No. 550 Judicial Administration Doc.

Order

Per Curiam

And Now, this 7th day of May, 2021, it is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that the Note to Rule 601 of the Pennsylvania Rules of Judicial Administration is amended and Rule 604 of the Pennsylvania Rules of Judicial Administration is rescinded in the following form.

Given the perfunctory nature of this action, notice of proposed rulemaking is not required. See Pa.R.J.A. No. 103(a)(3).

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 6. MAGISTERIAL DISTRICT JUDGES

Rule 601. Certification requirements of interested persons.

(a) Magisterial district judges and arraignment court magistrates who are not members of the bar of this Commonwealth must complete a course of training and instruction in the duties of their respective offices and pass an examination and be certified by the Administrative Office of Pennsylvania Courts prior to assuming office.

(b)(1) Any interested individual may apply to the Minor Judiciary Education Board to be enrolled in the course of training and instruction and take the examination to be certified.

(2) Any individual who has successfully completed the course of training and instruction and passed the examination, but who has not served as a magisterial district judge or arraignment court magistrate shall be certified for only a twenty-five-month period, and must complete the continuing education course every year in order to maintain his or her certification.

(c) Any individual certified under paragraph (b) who has not served as a magisterial district judge or arraignment court magistrate within twenty-five months will be required to take a review course as defined by the Minor Judiciary Education Board and pass an examination in order to maintain his or her certification by the Administrative Office of Pennsylvania Courts.

Official Note: The text of this rule is taken from Rule 19 of the Rules Governing Standards of Conduct of

Magisterial District Judges, rescinded March 26, 2015, effective immediately. Rule 19 limits to twenty-five months the period of certification for individuals who have successfully completed the certification course and examination but have not served as judges or arraignment court magistrates. The rule permits individuals who are certified to serve as judges or arraignment court magistrates but who have not done so within twenty-five months of certification to take a review course and pass an examination to maintain their certification for an additional twenty-five-month period. Admission to the review course and recertification examination under paragraph (c) may be limited by the availability of space. In addition, the rule requires that all certified individuals must attend the annual continuing education course to maintain certification.

[Act 17 of 2013, signed by the Governor and immediately effective on June 19, 2013, effectively abolished the Traffic Court of Philadelphia and transferred most of its duties to a new Traffic Division of the Philadelphia Municipal Court. See 42 Pa.C.S. § 1121. Under Act 17, the Traffic Court of Philadelphia is composed of two judges serving on the court on the effective date of the Act and whose terms expire on December 31, 2017. See 42 Pa.C.S. § 1321. Because this Rule concerns the certification and recertification of persons not yet elected to judicial office, all references to the Traffic Court of Philadelphia have been removed.]

Rule 604. [Continuing Education Requirement: Philadelphia Municipal Court Traffic Division] (Rescinded).

[(a) Every judge of the Philadelphia Municipal Court Traffic Division shall complete a continuing education program each year equivalent to not less than twenty (20) hours per year in such courses or programs as are approved by the Minor Judiciary Education Board. If a judge of the Philadelphia Municipal Court Traffic Division fails to meet these continuing education requirements the judge shall be subject to suspension until such time as evidence of compliance with such requirements is submitted by the Minor Judiciary Education Board, but in no event for longer than six months at which time the failure to meet the continuing education requirements shall be grounds for removal.

(b) No judge of the Philadelphia Municipal Court Traffic Division who is suspended by Order of the Supreme Court of Pennsylvania or the Court of Judicial Discipline shall be permitted to attend any continuing education course or program approved by the Minor Judiciary Education Board during the term of suspension. Notwithstanding the attendance requirements set forth in paragraph (a), the judge shall be provided the opportunity to make up any required hours of continuing education once the period of suspension has expired and an Order has been issued returning the judge to active status.

(c) Paragraph (b) shall not apply to any judge suspended for failure to complete the program described in paragraph (a).

(d) This Rule shall expire on January 1, 2018.]

Official Note: [The text of this rule is taken, in part, from Rule 22 of the Rules Governing Standards of Conduct for Magisterial District Judges, rescinded March 26, 2015, effective immediately.

Act 17 of 2013, signed by the Governor and immediately effective on June 19, 2013, effectively abolished the Traffic Court of Philadelphia and transferred most of its duties to a new Traffic Division of the Philadelphia Municipal Court. See 42 Pa.C.S. § 1121. Section 1121(a)(2) provides that the Traffic Division consists of four judges elected to the Traffic Court prior to the effective date of Act 17 and also that if a vacancy occurs in Traffic Division, it shall not be filled. Act 17 further provides that the Traffic Court of Philadelphia is composed of two judges serving on the court on the effective date of the Act and whose terms expire on December 31, 2017. See 42 Pa.C.S. § 1321. Sections 1121(a)(2) and 1321 expire when Traffic Court is officially abolished by amendment of the Pennsylvania Constitution or on January 1, 2018, whichever date occurs later. Consequently, this] Act 17 of 2013 effectively abolished the Traffic Court of Philadelphia and transferred most of its duties to a new Traffic Division of the Philadelphia Municipal Court. See 42 Pa.C.S. § 1121. This Rule [will expire] expired on January 1, 2018, when the terms [end] ended for the remaining judges elected to the Traffic Court of Philadelphia and assigned to the Philadelphia Municipal Court Traffic Division.

[Pa.B. Doc. No. 21-794. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 221]

Notice of Proposed Amendments to the Regulations for Court Interpreters for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing

The Administrative Office of Pennsylvania Courts is considering amendments to the regulations for court interpreters that synthesize the regulations with the Language Access Plan for the Unified Judicial System; revise restrictions related to remote interpreting; codify and amend the onsite interpreter fee schedule while providing increases to the current onsite interpreter rates; establish a new remote interpreter fee schedule; and include clarifying amendments.

Proposed new material is underlined and in bold-face type, and deleted material is bracketed and in bold-face type.

The Explanatory Report highlights the considerations in formulating this proposal. All interested persons are invited to submit suggestions, comments, or objections. All communications in reference to this proposal should be submitted no later than June 21, 2021 to:

Administrative Office of Pennsylvania Courts
ATTN: Interpreter Regulation Comments
601 Commonwealth Avenue
P.O. Box 61260
Suite 1500
Harrisburg, PA 17106
InterpreterRegulationComments@pacourts.us

GEOFF MOULTON,
Court Administrator of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 221. [COURT INTERPRETERS] LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY AND FOR PERSONS WHO ARE DEAF OR HARD OF HEARING

Subchapter 1. GENERAL PROVISIONS

§ 101. Scope.

These regulations are enacted pursuant to **the Language Access Plan for the Unified Judicial System (UJS-LAP)** and 42 Pa.C.S. §§ 4411 and 4431 **(relating to duties of Court Administrator)** and shall govern the appointment and use of interpreters for persons with limited English proficiency and persons who are deaf or hard of hearing in all court proceedings within the Unified Judicial System (**UJS**).

§ 102. Definitions.

For purposes of these regulations:

(a) *Appellate Court Prothonotary* means the prothonotary responsible for the appellate court in which the judicial proceeding is conducted or his or her designee.

(b) *Certified Interpreter* means a person who is certified in accordance with [**the guidelines established by the Court Administrator for the certification and appointment of interpreters**] **this chapter**.

(c) *Court Administrator* means the Court Administrator of Pennsylvania.

(d) *Deaf or hard of hearing* means [**an impairment of hearing or speech which**] **a hearing loss or impairment of speech that** creates an inability to understand or communicate the spoken English language.

(e) *Direct victim* means an individual against whom a crime has been committed or attempted.

(f) *District Court Administrator* means the court administrator responsible for the administration of the courts of the judicial district in which the judicial proceeding is conducted or his or her designee.

(g) *Immediate family member* means a person other than a principal party in interest who is a spouse, child, parent, grandparent, or guardian of a principal party in interest.

(h) *Interpret* means either:

(1) within the context of court interpreters for persons with limited English proficiency, to convey spoken and written English into the language of the person with limited English proficiency and to convey spoken and written statements by that person into spoken English; or

(2) within the context of court interpreters for persons who are deaf or hard of hearing, to convey spoken English

in a manner understood by the deaf or hard of hearing person through, but not limited to, American Sign Language and transliteration or any other process, procedure, or means of communication used to convey the communications made by the deaf or hard of hearing person into spoken English.

(i) *Interpreter* includes both a certified interpreter and an otherwise qualified interpreter for persons with limited English proficiency and the deaf or hard of hearing.

(j) *Judicial proceeding* means an action, appeal, or proceeding in any court of the Commonwealth of Pennsylvania and includes any proceeding conducted by a presiding judicial officer as defined by [§ 102(n)] **subsection (o)**.

(k) **Notice of Language Rights means a multilingual written notice that informs an individual of the right to an interpreter at no cost and how to request an interpreter.**

[(k)] **(l) *Otherwise qualified interpreter* means a person who meets the pertinent requirements of [the guidelines established by the Court Administrator for qualification and appointment of interpreters] this chapter. As with certified interpreters, otherwise qualified interpreters should be chosen from AOPC's Interpreter Certification Program (ICP) roster.**

[(l)] **(m) *Person who is deaf or hard of hearing* means a principal party in interest or a witness who is deaf or hard of hearing.**

[(m)] **(n) *Person with limited English proficiency* means a principal party in interest or a witness who speaks exclusively or primarily a language other than English and is unable to sufficiently speak and understand English so as to fully participate and be understood in a judicial proceeding.**

[(n)] **(o) *Presiding judicial officer* includes justices, judges, magisterial district judges, and appointive judicial officers such as arbitrators, masters, and other like officers.**

[(o)] **(p) *Principal party in interest* means a person involved in a judicial proceeding who is:**

- (1) a named party or a fiduciary for a named party;
- (2) a direct victim in a criminal proceeding or a proceeding pursuant to **the Juvenile Act**, 42 Pa.C.S. Ch. 63 (relating to juvenile matters);
- (3) a parent, guardian, or custodian of a minor or incapacitated person who is:
 - (i) a party;
 - (ii) a direct victim in a criminal proceeding or a proceeding pursuant to 42 Pa.C.S. Ch. 63; or
 - (iii) a witness.

[(p)] **(q) *Roster* means the list of certified and otherwise qualified interpreters maintained and distributed by the Court Administrator.**

[(q)] **(r) *Staff Interpreter* means a certified [or otherwise qualified] interpreter who is an employee of the appellate court or judicial district and whose duties include providing services as an interpreter and functions related to interpreting.**

[(r)] **(s) *Transliteration* means to convey spoken or written English in an English-based sign language system and the process of conveying an English-based sign language system in spoken or written English. Oral transliteration means conveying spoken English by using speech reading and not sign language.**

[(s)] **(t) *Witness* means a person who testifies in a judicial proceeding.**

Comment

The Administrative Office of Pennsylvania Courts' (AOPC) Interpreter Certification Program roster is available on the Language Access & Interpreter Program page of the UJS website, <http://www.pacourts.us>.

The definition of "Certified Interpreter" set forth in subsection (b) contains the requirement that the interpreter be certified by the Court Administrator. An interpreter who is certified pursuant to another jurisdiction or organization's policies is [**nonetheless**] not a certified interpreter under these regulations if that individual has not been certified by the Court Administrator. Therefore, persons charged with applying these regulations should take care to confirm that an interpreter who purports to be certified has, in fact, been certified by the Court Administrator. [**A "Staff Interpreter" pursuant to subsection (q) is a fulltime employee of the appellate court or judicial district whose duties include providing interpretation services. Persons employed as staff interpreters—even those employed as such on or before the date of the enactment of these regulations—will be required to be certified in their language of expertise by the Court Administrator in order to attain certified status under these regulations, if such certification is available.**]

A "Staff Interpreter" pursuant to subsection (r) is a full-time employee of an appellate court or judicial district whose duties include providing interpretation services. Persons employed as staff interpreters—even those employed as such on or before the date of the enactment of these regulations—will be required to be certified in their language of expertise by the Court Administrator in order to attain certified status under these regulations, if such certification is available.

These regulations are not intended to restrict a deaf or hard of hearing person's ability pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 *et seq.*, to request a process, procedure or means of communication other than an interpreter. Under the ADA and its regulations, a deaf or hard of hearing person may request a specific auxiliary aid and the public entity must give primary consideration to that choice unless another effective means of communication exists or it can demonstrate that doing so would fundamentally alter the nature of the service, program or activity or result in undue financial hardship. 28 C.F.R. §§ 35.160[;], 35.164; 28 C.F.R. Pt. 35, App. A.

See 42 Pa.C.S. § 6302, defining "custodian" as "[a] person other than a parent or legal guardian, who stands in loco parentis to the child, or a person to whom legal custody of the child has been given by order of a court." See also Pa.R.C.P. 76, which defines fiduciaries to include "an executor, administrator, guardian, committee, receiver, trustee, assignee for the benefit of creditors, and any other person, association, partnership, or corporation, acting in any similar capacity." Pa.R.C.P. 2051 defines

“incapacitated person” to include “an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that the person is partially or totally unable to manage financial resources or to meet the essential requirements for physical health and safety.”

§ 103. Confidentiality of Communications.

As provided in 42 Pa.C.S. §§ 4415 and 4436 (**relating to confidential communications in presence of court interpreter**), an interpreter appointed pursuant to these regulations shall not be permitted or compelled to testify in any judicial proceeding as to any interpreted statements made by the person for whom he or she is interpreting when that person is engaged in a confidential communication as provided by any statute or general rule, including, but not limited to:

(a) 42 Pa.C.S. § 5916 (relating to confidential communications to attorney);

(b) 42 Pa.C.S. § 5928 (relating to confidential communications to attorney);

(c) 42 Pa.C.S. § 5942 (relating to confidential communications to news reporters);

(d) 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen);

(e) 42 Pa.C.S. § 5944 (relating to confidential communications to psychiatrists or licensed psychologists);

(f) 42 Pa.C.S. § 5945 (relating to confidential communications to school personnel);

(g) 42 Pa.C.S. § 5945.1 (relating to confidential communications with sexual assault counselors);

(h) 42 Pa.C.S. § 5945.2 (relating to confidential communications to crime stopper or similar anticrime program); **[and]**

(i) **42 Pa.C.S. § 5945.3 (relating to confidential communications to human trafficking caseworkers); and**

[(i)] (j) 23 Pa.C.S. § 6116 (relating to confidential communications to domestic violence counsel/advocates).

§ 104. Remote Interpretation.

(a) *Simultaneous audiovisual technology.*—In the event that a certified or otherwise qualified interpreter for persons with limited English proficiency or who are deaf or hard of hearing cannot be found to interpret in person, one may be appointed to interpret via remote technology allowing for two-way simultaneous communication of image and sound such as **video remote interpreting (VRI)**, video-conferencing, closed-circuit television, or web-based camera, provided that the judicial proceeding[:] is expected to be no more than **[30 minutes] one hour in duration[; is non-evidentiary; and does not involve more than one interpreter]**. **Priority should be given to interpreters from AOPC’s Interpreter Certification Program (ICP) roster.** Prior to utilizing the interpreter, the court must conduct a *voir dire* to determine his or her qualifications, unless the interpreter **is a certified interpreter from AOPC’s ICP roster or** has been previously used by, and his or her qualifications are known to, the court. **The use of VRI should follow guidance issued by the AOPC.**

(b) *Telephonic interpretation.*—If neither a certified nor otherwise qualified interpreter can be found to interpret in person or by **video** remote technology allowing for two-way simultaneous communication of image and

sound, one may be appointed to interpret remotely via telephone provided the judicial proceeding[:] is expected to be **a short, simple proceeding lasting no more than [30 minutes in duration; is non-evidentiary; and does not involve more than one interpreter] one hour.** If neither a certified nor otherwise qualified interpreter can be found to interpret via telephone, the court may utilize a telephone interpreter provided by a commercial telephone interpreter service. Prior to utilizing any telephonic interpreter, the court must conduct a *voir dire* to determine his or her qualifications, unless the interpreter has been previously used by, and his or her qualifications are known to, the court.

(c) *Exceptions.*—Preliminary arraignments pursuant to Rule of Criminal Procedure 540 and proceedings for emergency orders under the Protection from Abuse Act (23 Pa.C.S. § 6101 *et seq.*), **the Protection of Victims of Sexual Violence or Intimidation Act (42 Pa.C.S. § 62A1-01 et seq.)**, and the Older Adults Protective Services Act (35 P.S. § 10225.101 *et seq.*) may be conducted via remote technology without regard to subsections (a) and (b) above, except that a *voir dire* still must be conducted to determine the interpreter’s qualifications, unless the interpreter **is a certified interpreter from AOPC’s ICP roster or** has been previously used by, and his or her qualifications are known to, the court.

Comment

Although this regulation allows for remote interpretation under certain limited circumstances, interpretation in person is strongly preferred. Pursuant to subsections (a) and (b), if an interpreter **[can not] cannot** be found to interpret in person, the next step should be to find one to interpret via remote means that allow for two-way simultaneous communication of image and sound. It is only after determining that an interpreter cannot be found to interpret via two-way simultaneous communication of image and sound that the court should consider an audio-only device such as a telephone.

Moreover, courts should be cautious in their use of video remote platforms (such as Zoom and Microsoft Teams) to facilitate virtual hearings. When using remote platforms, courts should follow guidance issued by the AOPC, use interpreters from AOPC’s ICP roster, do a practice run using the remote platform in advance of the hearing, and, if unable to secure a rostered interpreter for the proceeding, voir dire the interpreter to ascertain his or her qualifications.

§ 105. Waiver of Interpreter.

(a) *Waiver by a principal party in interest.*—A **principal party in interest** with limited English proficiency or **[party]** who is deaf or hard of hearing may waive the right to an interpreter provided the waiver is conducted in the presence of the presiding judicial officer and the party seeking to waive is represented by counsel or has knowingly waived the right to counsel. The presiding judicial officer shall ascertain from the **principal party in interest** with limited English proficiency or **[party]** who is deaf or hard of hearing whether the waiver is knowing, voluntary and intelligent **and that the waiver will not impede the party’s communication with the court and the fact finder.** If the judicial proceeding is conducted in a court of record, the foregoing determination shall be made on the record. The **principal party in interest** with limited English proficiency or **[party]** who is deaf or hard of hearing must be provided with an

interpreter during the waiver process. In addition, the waiver shall be in writing signed by the **principal party in interest** with limited English proficiency or [**party**] who is deaf or hard of hearing, with a representation that the party was told of the right to an interpreter and that the party chose not to have an interpreter at the judicial proceeding. The written waiver shall be on the form provided by the Court Administrator for this purpose and shall be made part of the record of the judicial proceeding. **If the presiding judicial officer subsequently determines that an interpreter is necessary, he or she shall proceed pursuant to § 204(b) (relating to determination of need for interpreter).**

(b) *Waiver by a non-party.*—When a non-party who is entitled to an interpreter under these regulations seeks to waive the right to an interpreter, the provisions of subsection (a) above should be followed, with the exception that counsel need not be present.

Comment

When persons with limited English proficiency or [**persons**] who are deaf or hard of hearing waive their right to an interpreter pursuant to § 105, they are divesting themselves of an important due process safeguard. For this reason, the presiding judicial officer should take great care to ensure that the person's waiver is knowing, voluntary and intelligent. When deciding whether to permit waiver the presiding judicial officer should consider not only the needs of the person with limited English proficiency or person who is deaf or hard of hearing, but also the needs of the presiding judicial officer and others involved in the proceedings to accurately understand that person. **In the case of persons with limited English proficiency or who are deaf or hard of hearing who are witnesses, the presiding judicial officer should primarily consider the need for the finder of fact to accurately understand the witness and whether a party in interest wants an interpreter present to ensure the accuracy of the testimony rather than the preference of the witness.** If the presiding judicial officer feels that the interpreter is necessary for the presiding judicial officer or others involved in the proceedings to accurately understand the person with limited English proficiency or [**person**] who is deaf or hard of hearing, the waiver request should be denied. **Waiver forms are available on the Language Access & Interpreter Program page of the UJS website: <http://www.pacourts.us>.**

§ 106. Oath for Interpreters.

Before commencement of interpreter duties, an interpreter shall take the following oath:

Do you solemnly swear or affirm that you will make an accurate, complete, and impartial interpretation from the English language into the (target language), and vice-versa, of all communication during this proceeding using your best skill, judgment, and ability and that you will abide by the Rules of Professional Conduct for Judiciary Interpreters, and so you do swear or affirm?

Once the oath is administered, the interpreter becomes an officer of the court for the duration of his or her appointment.

§ 107. Cost of Providing Interpreters for Persons with Limited English Proficiency.

(a) *General rule.*—An interpreter appointed pursuant to § [203] 205 (relating to appointment of inter-

preters) for a principal party in interest or a witness is entitled to a reasonable fee for interpreter services and shall be reimbursed for actual and reasonable expenses by the county of the court or the appellate court that has jurisdiction over the judicial proceeding in accordance with the compensation schedule approved by the Court Administrator pursuant to 42 Pa.C.S. § 4411(d). In no event shall the costs of providing interpreter services be the responsibility of the person who is limited English proficient (LEP).

(b) *Assignment of costs.*—In those cases where appointment of an interpreter is discretionary as specified in [section 203(d)] § 205(d) regarding appointment of interpreters for immediate family members, the presiding judicial officer may order reimbursement by the family member to the county of the court or the appellate court that has jurisdiction over the judicial proceeding for which the interpreter was appointed for its responsibilities under this chapter. In determining the amount of actual and reasonable expenses to be paid to the interpreter, the presiding judicial officer shall follow the fee schedule for interpreters established by the Court Administrator.

Comment

[The compensation schedule referred to in subsection (a) will be published in the *Pennsylvania Bulletin* and the official web site of the Administrative Office of Pennsylvania Courts and will be subject to periodic review. In a judicial district comprised of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.]

A copy of the interpreter fee schedules for both onsite and remote interpreting can be found in Schedule G and on the Interpreter Program page of the UJS website, <http://www.pacourts.us>.

In a judicial district comprised of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.

§ 108. Costs of Providing Interpreters for Persons who are Deaf or Hard of Hearing.

[(a)] *General rule.*—[Except as provided in subsection (b), an] An interpreter appointed in accordance with [§ 203] § 205 is entitled to a reasonable fee for his or her services and shall be reimbursed for actual and reasonable expenses by the county of the court that has jurisdiction over the judicial proceeding in accordance with the compensation schedule approved by the Court Administrator pursuant to 42 Pa.C.S. § 4431(d). [Except as provided in subsection (b), expenses] Expenses related to interpreters appointed for appellate judicial proceedings shall be the responsibility of the appellate court. In no event shall the cost of providing interpreter services be the responsibility of the person who is deaf or hard of hearing.

[(b)] *Payment determination of costs related to appointment of interpreters for immediate family members.*—Disposition of all or part of the cost of providing an interpreter appointed in accordance with § 203(d) (interpreter for immediate family members) shall be in the discretion of the court that has jurisdiction over the judicial proceeding and in accordance with the compensation schedule approved by the Court Administrator. If the princi-

pal party in interest is indigent, the cost of providing interpreter services shall be the responsibility of the county of the court or the appellate court that has jurisdiction over the judicial proceeding for which the interpreter was appointed. The presiding judicial officer may order reimbursement to the county or the appellate court for its responsibilities under this chapter. In no event shall the cost of providing interpreter services be the responsibility of the person who is deaf or hard of hearing.]

Comment

[The compensation schedule referred to in subsection (a) will be published in the *Pennsylvania Bulletin* and the official website of the Administrative Office of Pennsylvania Courts and will be subject to periodic review. In a judicial district composed of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.

Subsection (b) is designed to give the court discretion in assessing the costs of providing an interpreter for immediate family members pursuant to § 203(d). This discretion, however, should never extend to requiring the person who is deaf or hard of hearing to pay the cost of the interpreter.]

A copy of the interpreter fee schedules for both onsite and remote interpreting can be found in Schedule G and on the Interpreter Program page of the UJS website, <http://www.pacourts.us>.

In a judicial district composed of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.

Subchapter 2. PROCEDURES FOR NOTIFICATION AND DETERMINATION OF THE NEED FOR, AND FOR THE PROCUREMENT AND APPOINTMENT OF, INTERPRETERS

[§ 201. Notice of Need for Interpreter; Procurement of Certified and Otherwise Qualified Interpreters.

(a) Persons required to give notice; persons to whom notice is to be given; timing of notice.—

(1) If a principal party in interest is a person with limited English proficiency or a person who is deaf or hard of hearing and is in need of an interpreter, either the principal party in interest or his or her attorney shall give notice of the need for an interpreter as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(2) If the person with limited English proficiency or person who is deaf or hard of hearing is a witness, notice of the need for an interpreter shall be given by the party that intends to call the person as a witness as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(3) If the person with limited English proficiency or person who is deaf or hard of hearing is a direct victim, notice of the need for an interpreter shall be given by the Commonwealth as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(4) In addition to the foregoing persons, anyone with knowledge of a principal party in interest, witness or direct victim's need for an interpreter may give notice of that need to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(b) Form and content of notice.—

(1) Notice form.—The notice of need for an interpreter should be given on the form provided by the Court Administrator for this purpose, if practicable. If notice by way of said form is not practicable, written or oral notice may be given provided it contains the information set forth in subsection (b)(2) below.

(2) Content of notice.—The notice of need for an interpreter, whether on the form specified in subsection (b)(1) or otherwise, must contain at minimum the following information:

- (i) party and case identifying information; and
- (ii) for a person with limited English proficiency, the language spoken (specifying any particular dialect or regional version) and the country of origin; or
- (iii) for a person who is deaf or hard of hearing, the type of sign language or method of communication used, the country of origin (if a foreign sign language is used to communicate), and a description of any educational, physical, mental or other particular condition which may limit the person's ability to communicate.

(c) Procurement of certified or otherwise qualified interpreters.—

(1) Once the Appellate Court Prothonotary/District Court Administrator or his or her designee is made aware of the need for an interpreter, he or she shall procure a certified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of certified interpreters.

(2) If the Appellate Court Prothonotary/District Court Administrator or his or her designee cannot procure a certified interpreter in the manner set forth in subsection (c)(1) above, he or she shall procure an otherwise qualified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters.

Comment

Subsection (a) requires that notice be given as soon as practicable after learning of the need. The fact that no specific time limit is given is in recognition of the fact that situations may arise in which significant advance notice is not feasible. Nevertheless, the party responsible for giving no-

tice under these regulations or anyone aware of the need must notify the presiding judicial officer or Appellate Court Prothonotary/District Court Administrator or his or her designee as soon as the need for an interpreter is known so as to avoid unnecessary delay.

Subsection (b)(1) makes clear that notice on the form provided by the Court Administrator is the preferred method of providing notice of need for an interpreter. If use of the Court Administrator's form is not practicable, other written or oral notice is acceptable provided it conveys the information set forth in subsection (b)(2).

The regulations do not require that only one person be designated by the District Court Administrator to handle requests for interpreters in the district. Different individuals can be assigned to handle different courts within the district. For example, the designee for common pleas interpreter requests may be the District Court Administrator while for cases in the magisterial district courts the special or minor courts administrator could be designated.

In the case of a deaf or hard of hearing juror, the District Court Administrator or his or her designee should follow the judicial district's existing policies pursuant to the Americans With Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101 *et seq.*, to ensure proper accommodation of a deaf or hard of hearing juror. Juror summonses and/or questionnaires should advise prospective jurors to give notice of need for an accommodation prior to the date they report for jury duty.

Subsection (c)(1) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to follow the Court Administrator's guidelines for appointing a certified interpreter and to make the necessary arrangements to secure the interpreter's services for the judicial proceeding if one is found. If a certified interpreter cannot be found, subsection (c)(2) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to obtain an otherwise qualified interpreter in the manner provided in the Court Administrator's guidelines. In procuring either a certified or otherwise qualified interpreter, and when the person requiring the interpreter is a person with limited English proficiency, the Appellate Court Prothonotary/District Court Administrator or his or her designee may obtain the services of an interpreter to interpret remotely subject to the limitations of § 104. In the event that neither a certified nor an otherwise qualified interpreter can be procured, the Appellate Court Prothonotary/District Court Administrator or his or her designee shall contact the Court Administrator's office for guidance.

§ 202. Determination of Need for Interpreter.

(a) Proceedings to determine need for an interpreter.—If, after considering the notice of need, the presiding judicial officer requires additional information in order to make the determination, he or she may request any additional filings from the parties or conduct any proceedings he or she deems necessary including, but not limited to, conducting the *voir dire* for determination of need for an interpreter for persons with limited English profi-

ciency established by the Court Administrator. If the Appellate Court Prothonotary/District Court Administrator or his or her designee requires additional information, he or she may request additional information and may request that the presiding judicial officer conduct proceedings to determine the need for an interpreter.

(b) If, during the course of the judicial proceedings, and without regard to whether notice of need for an interpreter was given, the presiding judicial officer determines that a principal party in interest, witness, or direct victim is a person with limited English proficiency or that a principal party in interest, witness, direct victim or juror is deaf or hard of hearing and is in need of an interpreter, he or she shall give notice to the Appellate Court Prothonotary/District Court Administrator or his or her designee as provided in subsection (b) of this regulation.

Comment

Subsection (a) covers situations where the person notified of need for an interpreter pursuant to § 201 requires additional information. It also allows the presiding judicial officer to acquire additional information in order to make the determination of need by way of supplemental filings, hearings and any other means typically within the presiding judicial officer's power in handling the particular judicial proceeding and, in the case of persons with limited English proficiency, suggests using the *voir dire* established by the Court Administrator for assessing the level of English proficiency of the individual in question. The Appellate Court Prothonotary/District Court Administrator may request additional information but is not empowered to conduct any proceedings to gather information.

Subsection (b) is intended to clarify that even if notice of the need for an interpreter is not given by one of the individuals required to give notice under § 201(a), the presiding judicial officer may *sua sponte* determine the need for an interpreter and thereby start the appointment process if he or she deems it appropriate to do so under these regulations.

§ 203. Appointment of Interpreters.

(a) Appointment of a certified interpreter.—The presiding judicial officer shall appoint the certified interpreter procured pursuant to § 201(c)(1) unless a certified interpreter is unavailable.

(b) Appointment of an otherwise qualified interpreter.—

(1) An otherwise qualified interpreter shall be appointed by the presiding judicial officer if the presiding judicial officer determines that the Appellate Court Prothonotary/District Court Administrator or his or her designee made a good faith effort to procure a certified interpreter and a certified interpreter was not available and that the otherwise qualified interpreter was properly procured pursuant to § 201(c)(2). In making the foregoing determinations the presiding judicial officer shall consider the efforts made by the Appellate/District Court Administrator or his or her designee and whether these efforts complied with the requirements of § 201(c).

(i) Persons with limited English proficiency.—Prior to the appointment of the otherwise qualified

interpreter for a person with limited English proficiency, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) conducting the *voir dire* for qualifying interpreters for persons with limited English proficiency recommended by the Court Administrator;

(B) ascertaining that the otherwise qualified interpreter has read, understands and agrees to abide by the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator; and

(C) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator.

(ii) Persons who are deaf or hard of hearing.—Prior to the appointment of the otherwise qualified interpreter for a person who is deaf or hard of hearing, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) conducting the *voir dire* for qualifying interpreters for persons who are deaf or hard of hearing recommended by the Court Administrator;

(B) ascertaining that the otherwise qualified interpreter has read, understands and agrees to abide by the National Association of the Deaf (NAD)—Registry of Interpreters for the Deaf (RID) code of professional conduct, and the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator;

(C) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator;

(D) verifying that the otherwise qualified interpreter is certified by the NAD or RID, by asking to see the interpreter's membership card; and

(E) that the otherwise qualified interpreter has complied with the requirements of the Sign Language Interpreter and Transliterators State Registration Act, 63 P.S. § 1725.1 *et seq.*, and is registered with the Office for the Deaf and Hard of Hearing (ODHH) within the Department of Labor and Industry of the Commonwealth.

(2) In ascertaining whether an individual is able to interpret and should be appointed as an otherwise qualified interpreter, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters for persons with limited English proficiency or for persons who are deaf or hard of hearing.

(c) Additional interpreter(s).—After consideration of the type and length of the judicial proceeding and the number of persons requiring interpreters involved, the presiding judicial officer may appoint, as provided for in subsections (a) and (b), an additional interpreter or provide for additional interpretation in a manner deemed appropriate by the presiding judicial officer. In making this determination, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of additional interpreters for persons with limited English proficiency or for persons who are deaf or hard of hearing.

(d) Interpreter for immediate family.—The presiding judicial officer may appoint, as provided in

subsections (a) and (b), an interpreter or provide for additional interpretation, as provided in subsection (c), for an immediate family member of a principal party in interest.

(e) Persons who are not to be appointed as interpreters.—Under no circumstances should the presiding judicial officer appoint a family member of the person with limited English proficiency or person who is deaf or hard of hearing, a witness, party, or other persons who may have an interest in the outcome of a judicial proceeding or those who may be perceived to have an interest in the outcome (i.e., police officers, sheriff's deputies, constables, etc.) to act as an interpreter for that person.

Comment

Subsection (a) of § 203 authorizes the presiding judicial officer to appoint a certified interpreter after the steps outlined in §§ 201 and 202 have been taken. If the judicial proceeding is conducted in a court of record, the formal appointment of either a certified interpreter or an otherwise qualified interpreter should always be done on the record at the first appearance of the interpreter at the proceeding. Subsection (c) allows for the appointment of a team of interpreters if the judicial proceeding is a jury trial, is likely to be more than two hours in duration, or, in the case of a deaf or hard of hearing person, whenever the limitations and particularities of the person's form of communication (such as when the deaf or hard of hearing person is a foreign national who does not communicate in any of the forms of sign language spoken in this country) requires it.]

§ 201. Notices to be Provided Concerning Right to an Interpreter.

(a) District Court Administrators, presiding judicial officers, judicial staff, and filing offices must ensure that a Notice of Language Rights is provided to named parties and witnesses for all judicial proceedings.

(b) Every notice or subpoena for any judicial proceeding, as defined in § 102, including summary trials before a presiding judicial officer as defined in § 102, must include a multilingual Notice of Language Rights. This notice shall inform the recipient of the right to a court-appointed interpreter at no cost and the process for requesting one.

(c) Information concerning language rights and services available must be conspicuously displayed on posters, cards, and brochures throughout court facilities, posted on court websites, and provided to the public, justice partners, legal aid agencies, and community-based organizations.

Comment

The Notice of Language Rights created pursuant to the Language Access Plan for the UJS provides contact information for the language access coordinator (LAC) for each judicial district, and informs LEP and deaf or hard of hearing parties that they may contact the LAC to arrange for an interpreter.

§ 202. Persons to Notify Court Concerning Need for Interpreters.

(a) The following persons shall give notice to the court where a person has limited English profi-

ciency or is deaf or hard of hearing and requires an interpreter for any judicial proceeding:

(1) For a principal party in interest in a judicial proceeding, either the principal party in interest or his or her attorney, without delay.

(2) For a witness in a judicial proceeding, the party that intends to call the person as a witness as soon as is practicable after learning of the need for an interpreter.

(3) For a crime victim whose presence is anticipated at a judicial proceeding, the affiant, law enforcement officer, or the attorney for the Commonwealth, as soon as is practicable after learning of the need.

(b) Any other person with knowledge that a principal party in interest, witness, or crime victim will require an interpreter may give notice of the need for an interpreter.

(c) Notice to the Court pursuant to this section may be made to the presiding judicial officer, the language access coordinator (LAC) for the judicial district in which the proceeding will be held, or the Appellate Court Prothonotary/District Court Administrator or his or her designee, and should contain the information required in subsection (d)(2).

(d) Form and content of notice.—

(1) *Notice form.*—The notice of need for an interpreter should be given on the form provided by the Court Administrator, if practicable. If notice by way of said form is not practicable, written or oral notice may be given provided it contains the information set forth in paragraph (2).

(2) *Content of notice.*—The notice of need for an interpreter, whether on the form specified in paragraph (1) or otherwise, must contain, at a minimum, the following information:

- (i) party and case identifying information; and
- (ii) for a person with limited English proficiency, the language spoken (specifying any particular dialect or regional version) and the country of origin; or
- (iii) for a person who is deaf or hard of hearing, the type of sign language or method of communication used, the country of origin (if a foreign sign language is used to communicate), and any other information that will help identify the person's preferred means of communication.

Comment

This section is intended to clarify those persons who are required to provide notice to the court of the need for an interpreter for an LEP or deaf or hard of hearing person. In addition, subsection (b) provides that any person may provide notice of the need for an interpreter when they have knowledge that someone appearing in a judicial proceeding is LEP or deaf or hard of hearing.

Subsection (a) requires that notice be given without delay or as soon as practicable after learning of the need. The fact that no specific time limit is given is in recognition of the fact that situations may arise in which significant advance notice is not feasible. Nevertheless, the party responsible for giving notice under these regulations or anyone

aware of the need must notify the presiding judicial officer or Appellate Court Prothonotary/District Court Administrator or his or her designee as soon as the need for an interpreter is known so as to avoid unnecessary delay.

Subsection (d)(1) makes clear that notice on the form provided by the Court Administrator is the preferred method of providing notice of need for an interpreter. If use of the Court Administrator's form is not practicable, other written or oral notice is acceptable provided it conveys the information set forth in subsection (d)(2). The request form can be found on the Interpreter Program page of the UJS website, <http://www.pacourts.us>.

§ 203. Procurement of Certified or Otherwise Qualified Interpreters.

(a) Once the Appellate Court Prothonotary/District Court Administrator or his or her designee is made aware of the need for an interpreter, he or she shall procure a certified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of certified interpreters.

(b) If the Appellate Court Prothonotary/District Court Administrator or his or her designee cannot procure a certified interpreter in the manner set forth in subsection (a), he or she shall procure an otherwise qualified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters.

(c) Courts shall utilize existing mechanisms available in statewide case management systems and shall develop mechanisms in conjunction with their filing offices to track the need for an interpreter throughout the life cycle of a case.

Comment

The regulations do not require that only one person be designated by the Appellate Court Prothonotary/District Court Administrator to handle requests for interpreters. For example, the designee for common pleas interpreter requests may be the District Court Administrator, while for cases in the magisterial district courts, the special or minor courts administrator could be designated. A complete list of LACs is available on the Language Access and Interpreter Program page of the UJS website, <http://www.pacourts.us>.

In the case of a deaf or hard of hearing juror, the District Court Administrator or his or her designee should follow the judicial district's existing policies pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, to ensure proper accommodation of a deaf or hard of hearing juror. Juror summonses and/or questionnaires should advise prospective jurors to give notice of need for an accommodation prior to the date they report for jury duty.

Subsection (a) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to follow the Court Administrator's guidelines for appointing a certified interpreter and to make the necessary arrangements to secure the interpreter's services for the judicial proceeding if one is found. If a certified interpreter cannot be found, subsection (b) requires the Appellate

Court Prothonotary/District Court Administrator or his or her designee to obtain an otherwise qualified interpreter in the manner provided in the Court Administrator's guidelines. In procuring either a certified or otherwise qualified interpreter, and when the person requiring the interpreter is a person with limited English proficiency, the Appellate Court Prothonotary/District Court Administrator or his or her designee may obtain the services of an interpreter to interpret remotely subject to the limitations of § 104. In the event that neither a certified nor an otherwise qualified interpreter can be procured, the Appellate Court Prothonotary/District Court Administrator or his or her designee shall contact the Court Administrator's office for guidance.

The requirement in subsection (c) comes from the Language Access Plan for the Unified Judicial System (UJS-LAP), available at <http://www.pacourts.us>. UJS-LAP at 31, "Documentation of Language Needs."

§ 204. Determination of Need for Interpreter.

(a) *Proceedings to determine need for an interpreter.*—Ordinarily, the presiding judicial officer must appoint an interpreter after notice of need for an interpreter is given or a request for an interpreter is made. If, after considering the notice of need, the presiding judicial officer requires additional information in order to make the determination that the person is LEP or deaf or hard of hearing, or of the appropriate language or means of communication with the interpreter, he or she may request any additional filings from the parties or conduct any proceedings he or she deems necessary including, but not limited to, conducting the *voir dire* for determination of need for an interpreter for persons with limited English proficiency or who are deaf or hard of hearing established by the Court Administrator. If the Appellate Court Prothonotary/District Court Administrator or his or her designee requires additional information, he or she may request additional information and may request that the presiding judicial officer conduct proceedings to determine the need for an interpreter.

(b) If, during the course of the judicial proceeding, and without regard to whether notice of need for an interpreter was given, the presiding judicial officer determines that a principal party in interest or a witness is a person with limited English proficiency or that a principal party in interest, witness, direct victim, or juror is deaf or hard of hearing and is in need of an interpreter, he or she shall give notice to the Appellate Court Prothonotary/District Court Administrator or his or her designee as provided in § 202(d) (relating to persons to notify court concerning need for interpreters).

Comment

Presiding judicial officers, the Appellate Court Prothonotary/District Court Administrator and their designees taking action under this section must do so in compliance with the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the regulations promulgated thereunder, 28 C.F.R. 42.101 *et seq.*, as well as the stated purpose of 42

Pa.C.S. Ch. 44 (relating to court interpreters). See 42 Pa.C.S. § 4401 (relating to legislative findings and declaration).

Persons who request language access services should be provided with them. Subsection (a) covers the exceptional circumstance where the person notified of need for an interpreter may require additional information. This subsection permits a presiding judicial officer to acquire additional information in order to make the determination of need by way of supplemental filings, hearings, and any other means typically within the presiding judicial officer's power in handling the particular judicial proceeding and, in the case of persons with limited English proficiency, suggests using the *voir dire* established by the Court Administrator for assessing the level of English proficiency of the individual in question. The Appellate Court Prothonotary/District Court Administrator may request additional information but is not empowered to conduct any proceedings to gather information.

Subsection (b) is intended to clarify that even if notice of the need for an interpreter is not given by one of the individuals required to give notice under § 202(a), the presiding judicial officer may *sua sponte* determine the need for an interpreter and thereby start the appointment process if he or she deems it appropriate to do so under these regulations.

§ 205. Appointment of Interpreters.

(a) *Appointment of a certified interpreter.*—The presiding judicial officer shall appoint the certified interpreter procured pursuant to § 203(a) (relating to procurement of certified interpreters) unless a certified interpreter is unavailable.

(b) *Appointment of an otherwise qualified interpreter.*—

(1) An otherwise qualified interpreter shall be appointed by the presiding judicial officer if the presiding judicial officer determines that the Appellate Court Prothonotary/District Court Administrator or his or her designee made a good faith effort to procure a certified interpreter and a certified interpreter was not available and that the otherwise qualified interpreter was properly procured pursuant to § 203(b). Otherwise qualified interpreters should also be chosen, if available, from the roster. In making the foregoing determinations, the presiding judicial officer shall consider the efforts made by the Appellate Court Prothonotary/District Court Administrator or his or her designee and whether these efforts complied with the requirements of § 203.

(i) *Persons with limited English proficiency.*—

Prior to the appointment of the otherwise qualified interpreter for a person with limited English proficiency, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator. This can be accomplished in a number of ways, including but not limited to asking the interpreter to present their Interpreter Certification Program card issued by AOPC. Where the interpreter is on the roster, steps (B) and (C) below are not necessary.

(B) conducting the *voir dire* for qualifying interpreters for persons with limited English proficiency; and

(C) ascertaining that the otherwise qualified interpreter has read, understands, and agrees to abide by the Rules of Professional Conduct for Judiciary Interpreters. See Schedule F of these regulations.

(ii) *Persons who are deaf or hard of hearing.*—Prior to the appointment of the otherwise qualified interpreter for a person who is deaf or hard of hearing, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) conducting the *voir dire* for qualifying interpreters for persons who are deaf or hard of hearing recommended by the Court Administrator;

(B) verifying that the otherwise qualified interpreter is certified by the National Association of the Deaf (NAD) or Registry of Interpreters for the Deaf (RID), by asking to see the interpreter's membership card;

(C) ascertaining that the otherwise qualified interpreter has read, understands, and agrees to abide by the NAD-RID code of professional conduct, and the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator;

(D) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator by asking them to present their ICP card issued by AOPC; and

(E) verifying that the otherwise qualified interpreter has complied with the requirements of the Sign Language Interpreter and Transliterators State Registration Act, 63 P.S. § 1725.1 *et seq.*, and is registered with the Office for the Deaf and Hard of Hearing (ODHH) within the Pennsylvania Department of Labor and Industry.

(2) In ascertaining whether an individual is able to interpret and should be appointed as an otherwise qualified interpreter, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters for persons with limited English proficiency or for persons who are deaf or hard of hearing and these regulations.

(c) *Additional interpreter(s).*—After consideration of the type and length of the judicial proceeding and the number of persons requiring interpreters involved, the presiding judicial officer may appoint, as provided for in subsections (a) and (b), an additional interpreter or provide for additional interpretation in a manner deemed appropriate by the presiding judicial officer. The presiding judicial officer should appoint a team of interpreters in the following circumstances: where a bench trial, jury trial, or other judicial proceeding is expected to last longer than two hours; in capital cases; in cases involving complex subject matter and expert witnesses; or whenever three or more persons need the services of the interpreter and there is no simultaneous remote interpreting equipment available in the courtroom. In making this determination, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of additional interpreters for persons

with limited English proficiency or for persons who are deaf or hard of hearing.

(d) *Interpreter for immediate family.*—The presiding judicial officer may appoint, as provided in subsections (a) and (b), an interpreter or provide for additional interpretation, as provided in subsection (c), for an immediate family member of a principal party in interest.

(e) *Persons who are not to be appointed as interpreters.*—Under no circumstances should the presiding judicial officer appoint a family member of the person with limited English proficiency or person who is deaf or hard of hearing, a witness, party, or other persons who may have an interest in the outcome of a judicial proceeding or those who may be perceived to have an interest in the outcome (e.g., police officers, sheriff's deputies, constables, lawyers in the case, advocates assisting the parties, *etc.*) to act as an interpreter for that person.

Comment

Subsection (a) authorizes the presiding judicial officer to appoint a certified interpreter after the steps outlined in §§ 202, 203, and 204 have been taken. If the judicial proceeding is conducted in a court of record, the formal appointment of either a certified interpreter or an otherwise qualified interpreter should always be done on the record at the first appearance of the interpreter at the proceeding.

Subsection (c) recommends the appointment of a team of interpreters if the judicial proceeding is a trial, is likely to be more than two hours in duration, or, in the case of a deaf or hard of hearing person, whenever the limitations and particularities of the person's form of communication require it (such as when the deaf or hard of hearing person is a foreign national who does not communicate in any of the forms of sign language spoken in this country). In addition, judicial officers should be aware that accuracy of interpretation can decline substantially after 30 minutes of continuous interpretation and should provide the interpreter with regular breaks accordingly.

§ [204] 206. Replacement or Removal of Interpreter.

(a) The presiding judicial officer shall dismiss an interpreter and obtain the services of another interpreter in accordance with this chapter if the interpreter:

(1) fails to follow the standards prescribed by law, by the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator or the NAD-RID code of professional conduct or any other professional organization regulating the interpreter, by engaging in conduct such as, but not limited to:

(i) knowingly and willfully making false, misleading, or incomplete interpretation while serving in an official capacity;

(ii) knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;

(iii) failing to reveal potential conflicts of interest;

(iv) misrepresenting his or her credentials; or

(v) failing to appear as scheduled without good cause.

(2) is unable to effectively communicate with the presiding judicial officer or the person with limited English

proficiency or the person who is deaf or hard of hearing, including where the interpreter self-reports such inability.

(b) In the event a presiding judicial officer removes an interpreter for the grounds specified in subsection (a)(1), he or she shall notify the Court Administrator.

Comment

Subsection (b) requires that a presiding judicial officer inform the Court Administrator whenever an interpreter has to be removed for failing to follow standards prescribed by law or the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator, the NAD-RID code of professional conduct or any other professional organization regulating the interpreter. This mandatory reporting requirement allows the Court Administrator to enforce the applicable standards and Rules of Professional Conduct for Judiciary Interpreters. In addition to reporting violations resulting in removal of a court interpreter, the presiding judicial officer is encouraged to report any other suspected violations of legal standards, the Rules of Professional Conduct for Judiciary Interpreters, failure to follow Interpreter Certification Program guidelines, the Sign Language Interpreter and Transliterator State Registration Act, 63 P.S. § 1725.1 *et seq.*, and the standards of the Department of Labor and Industry's Office of the Deaf and Hard of Hearing (ODHH), even if the suspected violations are not sufficient to cause the presiding judicial officer to remove the interpreter.

Subchapter 3. CERTIFICATION REQUIREMENTS.

§ 301. Interpreter Certification Requirements.

To become certified or otherwise qualified, interpreters shall meet the requirements set forth in this chapter.

§ 302. Registration.

All interpreters must register with the [**Interpreter Certification Program**] **ICP** by completing a registration form. Registration is free and indicates the interpreter's willingness to become certified according to program guidelines. Sign language interpreters must also register with the Office for the Deaf and Hard of Hearing (ODHH) within the Department of Labor and Industry of the Commonwealth as required by the Sign Language Interpreter and Transliterator State Registration Act, 63 P.S. § 1725.1 *et seq.* if they hold a Registry of Interpreters for the Deaf (RID) or National Association of the Deaf (NAD) certificate.

Comment

[**As of January 1, 2010, only**] **Only** registered interpreters who have attended an orientation workshop, passed the written examination, and passed [**the simultaneous part of**] **all three parts of the** oral examination [,] can work in the Unified Judicial System [**pending the outcome of their certification process**] (**UJS**). Registration forms are available on the [**ICP web site: www.pacourts.us/t/aopc/courtinterpreterprog**] **Language Access & Interpreter page of the UJS website, <http://www.pacourts.us>**.

§ 303. Orientation Workshop.

Interpreters must attend a two-day orientation workshop sponsored by the ICP. Schedule A of these regulations contains a list of the topics covered by the orientation workshop.

§ 304. Examinations.

(a) *Written examination.*—After completing the orientation workshop, interpreters are eligible to take the writ-

ten examination. The written exam is designed to measure the interpreter's general English language proficiency and usage, knowledge of court-related terms, and familiarity with ethical and professional conduct.

(1) *Multiple choice.*—The first part of the written examination consists of multiple-choice questions. All interpreters, regardless of the language they interpret, must take the multiple choice part of the examination. Schedule B of these regulations discusses the number of questions on the multiple choice portion of the examination and the minimum number of questions that must be answered correctly for an interpreter to pass.

(2) *Foreign Language Assessment Exercise.*—Interpreters who interpret languages for which there is a full or abbreviated oral proficiency examination must also take and pass a foreign language assessment exercise. Interpreters who interpret in more than one language for which a full or abbreviated oral examination exists must take the foreign language assessment exercise for each language. Interpreters must pass both the multiple-choice examination and the foreign language assessment exercise.

If no full or abbreviated oral exam exists in any of an interpreter's working languages, he or she is not required to take the foreign language assessment exercise. Sign language interpreters are exempt from taking the foreign language assessment exercise.

Comment

Interpreters are advised to take the foreign language assessment exercise in the language in which they are most fluent first. Subsequently, when attempting to become certified in a second language they must take the foreign language assessment exercise for that language before taking the oral exam. Schedule B of these regulations discusses the content, passing requirements, and time allotted for the foreign language assessment exercise. Schedule C contains a list of languages for which full or abbreviated oral proficiency examinations exist.

(b) *Oral proficiency examination.*—

(1) *Foreign language interpreters.*—Interpreters who pass the written examination must next take an oral proficiency examination. The type and format of the proficiency examination depends on the language interpreted and whether there is a full or abbreviated proficiency examination available in that language. Interpreters who interpret more than one language must be certified in each language.

(i) *Languages for which there is a full or abbreviated oral proficiency examination.*—Interpreters who interpret languages for which there is a full or abbreviated oral proficiency examination must take and pass all available parts in order to become certified. Where there is only an abbreviated examination, the interpreter must pass the available parts and agree to take the remaining parts when available in order to remain certified. Schedule C of these regulations details the contents of the full oral proficiency examination and provides lists of languages for which there is a full or abbreviated oral proficiency examination.

(ii) *Languages for which there is no oral proficiency examination.*—To demonstrate linguistic proficiency, interpreters of languages for which there is no full or abbreviated oral performance examination must comply with one or more of the following requirements:

(A) pass an oral proficiency interview in their foreign language in which the interpreter's foreign language

skills are evaluated by expert raters during the course of a telephone based interview session. Details of the oral proficiency interview are contained in Schedule C of these regulations;

(B) pass an oral English proficiency [**interview and/or Test of English as Foreign Language (TOEFL)] exam such as the Versant Spoken English language test. When an interpreter's English language skills are deemed insufficient, he or she may be asked to take and pass an English proficiency interview at the superior level [and/or a TOEFL] at the discretion of the ICP; [or] and**

(C) agree to take a full or abbreviated test when available.

(iii) *Administration of oral proficiency examinations.*—The oral proficiency examination must be taken and passed in the manner, and within the time periods, described in Schedule C of these regulations.

(iv) *Retaking the oral proficiency examination.*—Interpreters who fail any portion of the oral proficiency examination may retake it in the manner described in Schedule C of these regulations.

(2) *Sign language interpreters.*—After attending the orientation workshop and passing the multiple-choice part of the written exam, sign language interpreters must comply with the following requirements in lieu of an oral examination:

(i) be certified by RID or NAD;

(ii) provide proof of RID or NAD certifications (proof shall consist of a copy of the interpreter's certificates and a valid active membership card, or a letter from RID or NAD certifying the results of the proficiency examination and status); and

(iii) hold a relevant RID or NAD certificate for legal interpretation as determined by the Court Administrator. A list of relevant RID or NAD certificates for legal interpretation can be found in Schedule C of these regulations.

§ 305. Criminal Background Check.

All interpreters who have satisfactorily completed the oral proficiency requirements shall be subject to a criminal background check performed through the [**Administrative Office of Pennsylvania Courts**] AOPC. The following constitute grounds for failing the background check:

(a) conviction of any type of felony or a misdemeanor involving fraud, dishonesty, corruption, moral turpitude, or false statements; or

(b) any conviction related to [**ethical violations and**] the functions and duties of a court interpreter.

§ 306. Interpreter Classification.

In general, there are two broad categories of interpreters: certified and otherwise qualified. For certification purposes, interpreters are divided into three groups: (1) those who interpret in a language for which a full or abbreviated oral proficiency examination exists; (2) those who interpret in a language for which there is no oral proficiency examination; and (3) sign language and deaf interpreters. The classifications and certification criteria are subject to modification, revision and change. Schedule D of these regulations contains tables detailing the current classification of the three certification groups.

Comment

The classifications and certification criteria are subject to modification, revision and change based on developments such as the availability of new performance tests, the effectiveness or development of evaluation tools, reconsideration of the skill level represented by the various categories, and other related factors. Therefore, these classifications should not be viewed as definitive or permanent, especially for those in the otherwise qualified category.

§ 307. Interpreter Rules of Professional Conduct.

All interpreters must sign a statement that they will abide by the Rules of Professional Conduct for Judiciary Interpreters.

Comment

A copy of the Pennsylvania Rules of Professional Conduct for Judiciary Interpreters may be found in Schedule F of these regulations.

§ 308. Age Requirement.

To be certified, an interpreter must be at least 18 years of age and agree to provide proof of age if requested by any court official or member of the ICP.

§ 309. Fees.

Interpreters shall pay all fees required during the certification process and in the future for the renewal of their certification status, and any other fees imposed for the completion of any mandated program requirements. Fees will be waived for staff interpreters employed full time by any judicial district in Pennsylvania. Schedule E of these regulations contains a table of the current ICP fees.

§ 310. Renewal of Certification.

All interpreters must renew their certification every two years, from the date the interpreter was placed on the roster, by doing all of the following:

(a) Complete 16 continuing education (CE) units within the two-year compliance period. CE [**credits**] **units** may be obtained by: taking training or skill development workshops sponsored by institutes and professional organizations; taking academic courses in accredited colleges or universities in areas relevant to court interpreting; presenting as faculty in courses, workshops or seminars on topics related to interpreting such as skill building, ethics, and professional issues; or teaching an academic course in an accredited college or university on a subject related to courts, legal interpreting, or their language of expertise. All CE units must be approved in advance by the program administrator.

(b) Be free of any revocation or suspension under § 402 [**of these regulations**] (**relating to suspension or revocation of certification and roster status**) or any similar sanction in any other jurisdiction.

(c) Undergo a new criminal background check when applying for renewal. Interpreters who have been found guilty of a major felony or crime will be denied renewal of their credentials. Misdemeanor offenses will be evaluated on a case-by-case basis to determine if they constitute a violation of the Rules of Professional Conduct for Judiciary Interpreters.

(d) Pay the renewal fee.

§ 311. Waiver and Reciprocity of Examination Requirements.

(a) Interpreters certified in another [**Consortium member**] state **that is a member of the National**

Center for State Courts' (NCSC) Language Access Services Section.—Any interpreter who has successfully completed all the requirements of the oral proficiency examination administered in accordance with the standards of [**the Consortium for State Court Interpreter Certification in another Consortium**] **another NCSC Language Access Services Section** member state may apply for reciprocity. The interpreter must have obtained a minimum of 70 percent of all parts of the oral proficiency examination and obtain a letter from the [**State's**] **state's** program manager certifying the results. These interpreters must also comply with all additional program requirements.

(b) Interpreters holding Federal [**or NAJIT certifications**] **certification.**—Interpreters holding [**either the**] **a valid** Federal Court Interpreter credential [**or the National Association of Judiciary Interpreters and Translators (NAJIT) certification**] will be granted reciprocity under the same conditions explained above with regard to other [**Consortium**] **NCSC Language Access Services Section** member states. These interpreters must also comply with all additional program requirements.

Subchapter 4. DISCIPLINARY PROCEDURES

§ 401. Scope.

These procedures apply only to interpreters who are included on the roster maintained by the [**Interpreter Certification Program (ICP)**] **ICP.** Staff interpreters who are employees of their respective judicial districts may also be subject to additional personnel and human resources policies in the districts where they are employed.

These procedures apply to complaints about roster interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties and, in some instances, of unethical conduct outside the scope of interpreting.

Comment

Separate and distinct from the procedures under this chapter is the Language Access Complaint Form, available on the Language Access & Interpreter Program page of the UJS website, <http://www.pacourts.us>. Anyone can utilize the Language Access Complaint Form to make the court aware of other language access problems, such as where no interpreter is provided.

§ 402. Suspension or Revocation of Certification and Roster Status.

The following shall constitute grounds for disciplinary action against interpreters registered with the ICP. Certified, otherwise qualified or registered status may be suspended or revoked for any of the following reasons:

- (a) violation of the Rules of Professional Conduct for Judiciary Interpreters;
- (b) conviction of a felony or misdemeanor involving moral turpitude, dishonesty, or false statements;
- (c) fraud, dishonesty, or corruption related to the functions and duties of a court interpreter;
- (d) knowing misrepresentation of court certification or roster status;
- (e) knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity as a court interpreter;

- (f) unprofessional or unethical conduct;
- (g) fraud or misrepresentation in obtaining or renewing certification status;
- (h) non-compliance with continuing education requirements;
- (i) non-payment of renewal fees; or
- (j) disciplinary action taken in conjunction with the interpreter's services in another jurisdiction.

§ 403. Reporting of Arrest or Discipline.

An interpreter who is arrested in any jurisdiction or has been disciplined by the interpreter program of any other jurisdiction shall report the arrest or discipline to the ICP within forty-eight hours of the arrest or receiving notification of the discipline and shall provide, upon request of the ICP, any pertinent information related to the arrest or discipline.

§ 404. Disciplinary Procedures.

(a) *Lodging a complaint against an interpreter subject to these procedures.*—A complaint must be submitted to the ICP in writing on a standard complaint form signed by the complainant. The complaint shall include a description of the alleged improper activity and the identity of any witnesses. Any person, including the ICP Administrator, may initiate a complaint.

(b) *Review of Complaint.*—The ICP Administrator will review the complaint and determine whether the allegations, if true, constitute grounds for disciplinary action pursuant to § 402 [**of these regulations**] **(relating to suspension or revocation of certification and roster status).** If the ICP Administrator determines that the complaint does not allege conduct that constitutes grounds for discipline, the complaint shall be dismissed and both the complainant and the interpreter will be notified. If the ICP Administrator determines that sufficient grounds for discipline exist, a copy of the complaint will be sent to the interpreter.

(c) *Response.*—Upon receipt of a copy of the complaint, the interpreter may submit a written response to the ICP Administrator within 20 days. Failure to respond will be deemed an admission of the violations alleged in the complaint. The ICP Administrator will then apply whatever sanctions are considered to be appropriate.

(d) *Investigation.*—When the interpreter submits a timely response to the complaint, the ICP Administrator shall conduct an investigation. The ICP Administrator may contact the interpreter, the complainant and any other person deemed to have relevant information, and use any reasonable means necessary to ascertain the facts and investigate the allegations. The ICP Administrator may also meet with the parties in an attempt to resolve the matter informally. Such a resolution may or may not include sanctions as agreed to by the parties.

(e) *Determination.*—If, at the conclusion of the investigation, the ICP Administrator determines that no conduct occurred that constitutes ground for discipline, the complaint shall be dismissed and both the complainant and the interpreter shall be notified. The notification shall include an explanation of the reason(s) for the ICP Administrator's determination.

When, after an investigation, the ICP Administrator determines that a violation of the Rules of Professional Conduct for Judiciary Interpreters has occurred and that sufficient grounds exist to support the allegations in the complaint, the ICP Administrator will submit a report of

the findings in writing to the complainant and the interpreter including which policies have been violated and whatever sanctions are considered to be appropriate.

(f) *Petition for review.*—If the interpreter disagrees with the ICP Administrator’s findings and proposed sanctions and wants to contest them, the interpreter shall submit a petition for review in writing to the Court Administrator within 20 days of receiving the ICP Administrator’s report and proposed sanctions. The petition shall briefly state the facts that form the basis for the initial complaint and the interpreter’s reasons for disagreeing with the ICP Administrator’s findings or proposed sanctions. A copy of the petition shall be provided to the ICP Administrator. Failure to file a petition for review in a timely manner will be deemed an admission of the violations alleged in the complaint and the ICP Administrator will implement the recommended sanctions.

(g) *Hearing.*—If the interpreter contests the findings of the ICP Administrator’s report or disagrees with the recommended sanctions and submits a timely petition for review as provided in [§ 404(f)] subsection (f), the interpreter may request, and shall be given, a hearing before a hearing officer designated by the Court Administrator. A request for a hearing must be included in the petition for review.

If the interpreter requests a hearing in a timely manner, the hearing shall be held within 60 days from the date on which the petition is received by the Court Administrator. The following conditions will apply at the hearing.

(i) *Legal representation.*—The interpreter may be represented by counsel. The interpreter shall be responsible for all of his or her costs and expenses including attorney’s fees.

(ii) *Pre-hearing discovery.*—Pre-hearing discovery shall not be permitted unless expressly authorized by the hearing officer in response to a written request.

(iii) *Rules of evidence.*—Strict rules of evidence shall not apply. The hearing officer may, in his or her discretion, consider any evidence presented, including affidavits, and give such evidence the weight he or she deems appropriate.

(iv) *Reporting of [hearings] hearing.*—A record of the hearing shall be made.

(v) *Confidentiality.*—Hearings shall be private and confidential, except upon request of the interpreter facing the allegations. Complainants, however, shall be entitled to attend the hearing.

(vi) *Hearing procedure.*—At the hearing, both the ICP Administrator and the interpreter shall be afforded the opportunity to introduce documents and other relevant evidence and to elicit sworn testimony. The hearing officer may, at his or her discretion, call witnesses, and consider or clarify evidence presented, giving such evidence the weight he or she deems appropriate.

(h) *Decision.*—Within 60 days after the hearing, the hearing officer shall advise the interpreter and the complainant via certified United States mail of his or her

action on the complaint. If the hearing officer’s action includes sanctions, the hearing officer shall specifically enumerate the sanctions [,] **and** the reason for such sanctions [**and the interpreter’s right to appeal**]. If the sanctions include suspension or revocation of the interpreter’s certification or roster status or placing the interpreter in a lower qualification or skill level on the roster, the hearing officer shall specify the conditions and timeframe within which the interpreter may apply for reinstatement of his or her prior certification or roster status and any conditions that must be met.

§ 405. Disciplinary Dispositions.

(a) *Burden of Proof.*—If the hearing officer finds that there is clear and convincing evidence that the interpreter has violated the interpreter Rules of Professional Conduct for Judiciary Interpreters, or that there are any other grounds for discipline as stated in § 402 [**of these regulations**] (relating to suspension or revocation of certification and roster status), the hearing officer shall impose such discipline or sanctions as he or she may deem appropriate. In determining the type of sanction, the hearing officer shall consider the nature and seriousness of the violation, any pattern of improper activity, the effect of the improper activity on the court system and/or the complainant, the amount of experience of the interpreter, and any other mitigating or aggravating information presented.

(b) *Notification.*—All decisions of the hearing officer shall be in writing and maintained on file with the ICP and, if adverse to the interpreter, shall contain factual findings supporting the decision. A copy of the decision shall be sent to the interpreter via certified United States Mail to the latest address listed with the ICP and by mail to the complainant.

(c) *Sanctions.*—Sanctions may consist of, but are not limited to, one or more of the following:

(i) issuing a private or public reprimand;

(ii) requiring that specific remedial education courses be taken;

(iii) requiring that one or more portions of the certification examination or the certification requirements be successfully taken or retaken;

(iv) requiring that the interpreter’s work be supervised;

(v) limiting the scope of practice or services the interpreter can provide;

(vi) placing the interpreter at a lower qualification or skill level on the roster;

(vii) requiring restitution, costs, or expenses to be paid;

(viii) suspension of certification and/or roster status for a period not to exceed one year; or

(ix) revocation of certification or roster status.

§ 406. Reinstatement.

An interpreter whose certification or roster status has been suspended for a period exceeding one year, or whose certification or roster status has been revoked, may not resume work in any area related to legal interpreting within the Unified Judicial System without first applying for reinstatement.

(a) *Time for filing application for reinstatement.*—An interpreter whose certification or roster status has been

revoked may not apply for reinstatement until the expiration of at least two years from the effective date of revocation of his or her certification or roster status, or any other specific [**time frame**] **timeframe** established by the revocation decision. An interpreter whose certification or roster status has been suspended may apply for reinstatement no earlier than ninety days before the end of the suspension period. An interpreter whose certification or roster status is suspended or revoked based on disciplinary action imposed by a foreign jurisdiction may apply for reinstatement at any earlier date on which reinstatement may be sought in the jurisdiction of initial discipline.

(b) *Form and content of the application for reinstatement.*—The application for reinstatement shall be in writing and addressed to the ICP Administrator. The application shall explain why the interpreter believes that he or she should be reinstated and shall include proof of compliance with any conditions imposed as a condition for reinstatement.

(c) *Disposition of the application for reinstatement.*—Within 60 days of receiving the application for reinstatement, and after reviewing and analyzing the merits of the case, the ICP Administrator shall make a recommendation to the Court Administrator on whether or not the interpreter should be reinstated. The recommendation should explain the basis for the recommendation. The decision to grant or deny such a request shall be at the sole discretion of the Court Administrator who can impose any additional conditions upon reinstatement as he or she may deem appropriate.

§ 407. Confidentiality.

(a) When a disciplinary proceeding is either dismissed or results in a private reprimand, all records of the proceeding shall remain confidential unless otherwise provided for in this chapter. Otherwise, all such records shall become public whenever the decision becomes final.

(b) Complaints submitted to the ICP Administrator shall be confidential unless they result in formal disciplinary action.

(c) All communications to the Court Administrator, ICP Administrator, hearing officers, attorneys or counsel for the parties and staff, and all testimony given during a hearing pursuant to this disciplinary procedure relating to conduct for which an interpreter could be suspended, have his or her certification revoked or be otherwise disciplined, shall be privileged.

Schedule A

Interpreter Orientation Workshop

Topics Covered by the Interpreter Orientation Workshop

1. Interpreting as a Profession.
2. Description of the Pennsylvania Judicial System.
3. Ethics and Professional Development.
4. Interpreting Skills and Modes of Interpretation.
5. Preparing for the Written and Oral Examinations.

Interpreters will also receive training materials, information about resources, legal glossaries and study tips at the Interpreter Orientation Workshop.

Faculty for the Interpreter Orientation Workshop

The Interpreter Orientation workshops will be taught by qualified professional trainers who are [**Federally**]

federally and RID certified interpreters and possess vast experience in the field of legal interpreting.

Schedule B

Written Interpreter Certification Examination

Multiple Choice: questions; passing requirements; time allotted.

The first part of the written examination consists of 135 multiple-choice questions. In order to pass the multiple-choice part, 80 percent (108 questions) must be answered correctly. Examinees are allotted two hours and fifteen minutes to complete the multiple-choice part of the test.

Foreign Language Assessment Exercise: questions; passing requirements; time allotted.

For the Foreign Language Assessment Exercise, the interpreter must translate ten items from English into the target language. The foreign language assessment will be administered the same day, immediately after the multiple-choice part of the examination, and will be rated on a pass/borderline pass/not pass basis. Examinees will have [**45 minutes**] **1 hour** to translate the ten items.

Schedule C

Oral Proficiency Examination

Content of the Full Oral Proficiency Examination.

The full oral proficiency exam consists of three parts: simultaneous interpretation, consecutive interpretation, and sight translation. For languages in which there is only an abbreviated exam, one or more of these segments has not yet been developed.

1. Simultaneous interpreting. The interpreter listens through headphones to a [**CD**] recording of a simulated attorney's opening or closing statement to a judge or jury, a judge instructing a jury, or the cross-examination of a witness. The interpreter interprets aloud what he or she hears over the headset. This mode of interpreting simulates many situations interpreters encounter in courtrooms while interpreting for defendants during procedural hearings and trials. The statement is approximately 800 to 850 words in length, is recorded at an approximate speed of 120 words per minute, and is about seven minutes long.

2. Consecutive interpreting. The interpreter interprets English language statements into the foreign language and foreign language responses into English. In consecutive interpreting the interpreter must wait until the speaker finishes the utterance before beginning to deliver the interpretation. This is the appropriate type of interpreting for non-English speaking witnesses, and other question-and-answer situations involving [**limited English proficient**] **LEP** persons. The segments are pre-recorded [**on a CD**] and the interpreter may ask to have two of the segments repeated.

3. Sight translation. The interpreter is asked to interpret one document from English into the foreign language and another from the foreign language into English. Each document is approximately 225 words in length and the interpreter is allowed six minutes to interpret each document.

Languages for which there are Full or Abbreviated Oral Proficiency Examinations.

1. Full examination: Arabic [**(Modern Standard)**], Cantonese, **Filipino (Tagalog)**, French, Haitian Creole, Hmong, [**Ilocano, Italian**] **Khmer**, Korean, [**Lao-**

tian,] Mandarin, [**Marshallese**,] Polish, Portuguese, Russian, [**Somali**,] Spanish, and Vietnamese

2. **Abbreviated examination:** [**Arabic (Egyptian Colloquial)**, **Bosnian**, **Chuukese**, **Croatian**, **German**, **Serbian**,] **Bosnian/Croatian/Serbian**, and **Turkish**

Oral Proficiency Interview for Languages in Which There is no Full or Abbreviated Oral Proficiency Examination.

Oral proficiency interviews were developed by the American Council on the Teaching of Foreign Languages (ACTFL) for evaluating the language communication skills of speakers of foreign languages and are administered by Language Testing International (LTI). There are over 50 languages available and the interpreter must perform at the superior level to pass. The interpreter travels to a location with secure access to a phone line and, after providing a valid picture ID and other verifying information, the interpreter is placed in a room where the interview is administered over the telephone. The results are reported to the ICP and the interpreter.

Administration of Oral Proficiency Examinations.

1. **Full oral proficiency examination.** Interpreters in languages for which there is a full oral proficiency exam will first be given the simultaneous part of the examination. After passing the simultaneous part, they will sit for the consecutive and sight portions at a subsequent date. The consecutive and the sight portions of the examination must be completed within one year from the date on which they took and passed the simultaneous portion. Interpreters will be allowed to carry forward the score of any portions they have passed for a maximum of two years. The same version of the examination can be taken a maximum of two times and the examination cannot be repeated more than once in a [**ten-month**] **six-month** period.

2. **Abbreviated oral proficiency examination.** Interpreters in languages for which only an abbreviated examination exists will be given the simultaneous portion first, if there is one. If no simultaneous part exists, they will take whatever portions are available, either the consecutive part, the sight part, or both. The scores of any portion passed can be carried forward for a maximum

of two years. The same version of the examination can be taken a maximum of two times and the examination cannot be repeated more than once in a [**ten-month**] **six-month** period.

Retaking Part of the Oral Proficiency Examination.

Interpreters who fail the simultaneous part may retake the examination again [**at any time**]. However, [**it is recommended that they allow themselves at least six to eight months**] **they must wait six months in order** to practice and develop their skills before attempting to retake the examination. If after passing the simultaneous part the interpreter fails either the consecutive or the sight portions, they must retake and pass whichever part they failed within one year. This is because interpreters must pass all three parts of the oral proficiency examination within one testing cycle, which consists of two years. The testing cycle requirement is not triggered until the interpreter passes the simultaneous portion.

Interpreters of languages for which there is only an abbreviated oral proficiency examination must also complete the remaining parts within one testing cycle after passing the simultaneous part, if there is one. If no simultaneous part exists, the interpreter must take whatever parts are available within one testing cycle. The testing cycle requirement is not triggered until the interpreter passes at least one part of the available parts of the oral proficiency examination that are available.

RID or NAD Certificates for Legal Interpretation.

- Specialist Certificate—Legal (SC-L)
- Combined Certificate of Interpretation and Transliteration (CI/CT)
- Comprehensive Skills Certificate (CSC)
- National Interpreter Certification (NIC)
- Certified Deaf Interpreter (CDI)
- Conditional Legal Interpreting Permit-Relay (CLIP-R)
- Individual CI or CT
- NAD V Master
- NAD IV Advanced.

Schedule D

Interpreter Classification Tables

1. Interpreters Working in a Foreign Language for Which There is a Full or Abbreviated Oral Proficiency Examination.

CRITERIA	CLASSIFICATION			
	Certified		Otherwise Qualified	
	Master	Certified	Qualified	Conditional
Written Exam	85% or higher	80% or higher	80% or higher	80% or higher
Simultaneous	85% or higher	70% or higher	60% or higher	50% or higher
Consecutive	85% or higher	70% or higher	60% or higher	50% or higher
Sight (Eng./FL)	85% or higher average but no lower than 80% in each part	70% or higher average but no lower than 65% in each part	60% or higher average but no lower than 55% in each part	50% or higher
Sight (FL/Eng.)	85% or higher average but no lower than 80% in each part	70% or higher average but no lower than 65% in each part	60% or higher average but no lower than 55% in each part	50% or higher

2. Interpreters Working in a Foreign Language for Which There is no Full or Abbreviated Oral Proficiency Examination.

CRITERIA	CLASSIFICATION	
	Otherwise Qualified	
	Registered	Conditional
Written Exam	80% or higher	80% or higher
Oral Proficiency Interview	Superior Level	No Oral Proficiency Interview available
English Oral Proficiency Test	[Superior Level (if necessary)] <u>Versant English Test Passing score 47</u>	[Superior Level (if necessary)] <u>Versant English Test Passing score 47</u>
[TOEFL (written test)]	[Pass (if necessary)]	[Pass (if necessary)]
Other	Pass oral proficiency test in their language when available	Pass oral proficiency test in their language when available

3. Sign Language Interpreters and Interpreters for the Deaf.

CRITERIA	CLASSIFICATION			
	Certified		Otherwise Qualified	
	Master	Certified	Qualified	Registered
Written Exam	85% or higher	80% or higher	80% or higher	80% or higher
RID Certification	SC/L	CI/CT, CDI, CLIP-R, CSC, NIC	CI or CT, or any other relevant	Any other relevant RID certificate
NAD Certification	None	NAD V	NAD IV	Any other relevant NAD certificate
Register with ODHH	Yes	Yes	Yes	Only if holding a RID certificate
Attempt to obtain relevant legal certificate	Not applicable	As necessary	As necessary	As necessary
Provide evidence of certification	Yes	Yes	Yes	Yes

Schedule E

Interpreter Certification Program Fees

Event	Applies To	In-State	Out-of-State
Registration	All interpreters	No charge	No charge
Orientation Workshop	All interpreters	\$150	\$175
Written Examination	All interpreters (except those qualifying for reciprocity)	\$50	\$75
Language Assessment Exercise Retakes	Interpreters in languages with a full or abbreviated NCSC test	\$25	\$25
Oral Exam—Simultaneous	Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)	\$100	\$125
Oral Exam—Consecutive & Sight	Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)	\$150	\$175
Oral Exam—Full test	Interpreters in languages with a full NCSC test (except those who qualify for reciprocity)	\$250	\$300

<i>Event</i>	<i>Applies To</i>	<i>In-State</i>	<i>Out-of-State</i>
<u>Oral Exams Retakes— Any one part</u>	<u>Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)</u>	<u>\$100</u>	<u>\$125</u>
<u>Oral Exams Retakes— Any two parts</u>	<u>Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)</u>	<u>\$150</u>	<u>\$175</u>
Oral Proficiency Interview	Interpreters [of] in languages for which there is no [Consortium] NCSC full or abbreviated oral exam	[\$143] <u>\$139</u>	[\$143] <u>\$139</u>
<u>Versant English Test</u>	<u>Interpreters in languages for which there is no NCSC full or abbreviated oral exam</u>	<u>\$32.95</u>	<u>\$32.95</u>
Registration of RID or NAD certifications	Sign language interpreters only	\$25	\$25
Background check	All interpreters	No charge	No charge
Registration of out-of-state certification	Interpreters applying for reciprocity	\$25	\$25
Renewal of certification (every two years)	All interpreters	\$25	\$25

Schedule F

**Pennsylvania Rules of Professional Conduct for
Judiciary Interpreters**

Legal Authority

In accordance with Act 172 of 2006 (42 Pa.C.S. §§ 4411(e) and 4431(e)), the Court Administrator of Pennsylvania hereby establishes these Rules of Professional Conduct for Judiciary Interpreters in the Unified Judicial System of Pennsylvania.

Preamble

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency (LEP) or [a] **because they are** speech **impaired** or [**hearing impairment**] **have a hearing loss**. It is the Court's intention to remove this communication barrier in order to provide equal access and due process so that these persons are placed in the same position as similarly situated persons for whom there is no such impediment. As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice. In their capacity as officers of the court, court interpreters are bound by rules of professional conduct.

Applicability and Enforcement

These rules shall guide and be binding upon all persons, agencies and organizations who administer, supervise, deliver, or attempt to become certified to deliver, interpreting services to the Judiciary. It shall govern the conduct of persons who are employed, under contract or otherwise appointed by the Judiciary to interpret, transliterate, [**translate**] or deliver foreign and sign lan-

guage interpreting services to the judicial system. This shall include persons who offer their services free of charge or on a volunteer basis.

Violations of these rules may result in the interpreter being removed from a case, being suspended, being denied future appointments by the courts, losing certification if the interpreter has been certified pursuant to Act 172 and the Administrative Regulations Governing Court Interpreters for Persons with Limited English Proficiency and for Persons who are Deaf or Hard of Hearing or any other sanctions deemed appropriate by the Court Administrator of Pennsylvania. The Court Administrator is authorized to adopt policies and procedures necessary to enforce these rules.

RULE 1: REPRESENTATION OF QUALIFICATIONS.

Interpreters shall accurately and completely represent their certifications, training and pertinent experience.

Comment

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their certification, training and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

RULE 2: ACCURACY AND COMPLETENESS.

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without embellishment or explanation.

Comment

The interpreter has a twofold duty: (1) to ensure that the proceedings in English reflect precisely what was said by the [**limited English proficient (LEP) person or LEP, speech [or hearing impaired person,] impaired, or hard of hearing person;** and (2) to place the LEP [or], speech [or hearing impaired person] **impaired, or hard of hearing person** on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style and register of speech. Verbatim or literal oral interpretations are not appropriate when they distort the meaning of the source language, but every spoken statement, even if it appears non-responsive, obscene, rambling or incoherent should be interpreted. This includes apparent misstatements.

Interpreters should never interject their own words, phrases or expressions. They should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions or dramatic gestures.

Sign language interpreters, however, *must* employ all of the visual cues that the language they are interpreting for requires—including facial expressions, body language and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should also demonstrate their professionalism by objectively analyzing any challenge to their performance.

RULE 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST.

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias or favoritism. Interpreters shall disclose any real or perceived conflict of interest.

Comment

Interpreters serve as officers of the court and their main duty in court proceedings is to serve the court. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

Interpreters should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients and should not take an active part in any of the proceedings. The interpreter should discourage an LEP or speech **impaired person, or [hearing impaired party's] person with hearing loss's** personal dependence **on the interpreter.**

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys or with friends or relatives of any party, except in

the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys, courtroom staff and law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions or opinions should be avoided at all times.

Should the interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing professional services in a matter, interpreters must disclose to all parties any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information. The following circumstances are presumed to create actual or apparent conflicts of interest for interpreters and should preclude them from serving in any proceeding in which:

1. they are a friend, associate or relative of a party or counsel for a party involved in the proceedings;
2. they, their spouse, child or relative is a party to the proceeding or have a financial interest or any other interest that would be affected by the outcome of the proceeding;
3. they have been previously retained by a law enforcement agency to assist in the preparation of the criminal case at issue or have served in an investigative capacity for any party involved in the case; and
4. they have been involved in the choice of counsel or law firm for that case.

Interpreters should also disclose to the court and other parties when they have previously been retained for private employment by one of the parties in the case and should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same matter. Similarly, attorneys, probation officers, investigators, police officers, sheriffs, therapists, social workers, advocates and other professionals should not interpret in any judicial proceeding or any court support service in which they are professionally involved with a party to the matter.

RULE 4: PROFESSIONAL Demeanor.

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Comment

Interpreters should know and observe established protocol, rules and procedures for delivering interpreting services. They should speak at a rate and volume that enables them to be heard and understood throughout the courtroom, but their presence should otherwise be as unobtrusive as possible. They should not draw undue or

inappropriate attention to themselves and should dress in a manner that is consistent with the dignity of the proceedings and the court. Interpreters are encouraged to avoid personal or professional conduct that could discredit or be embarrassing to the court.

RULE 5: CONFIDENTIALITY.

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Comment

Interpreters must protect and uphold the confidentiality of all privileged information obtained during the discharge of their duties. Privileged information refers to confidential information that is protected from disclosure by law or statute, as listed in 42 Pa.C.S. §§ 4415 and 4436 and § 103 of these Regulations. They must be familiar with and understand the rules applicable to the handling of privileged and confidential information. It is especially important that interpreters understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. Interpreters must also refrain from repeating or disclosing information obtained in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who *is not* a party in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

RULE 6: RESTRICTION FROM PUBLIC COMMENT.

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

Comment

Even when communications are not privileged, interpreters should be mindful not to discuss a case while it is pending. An exemption to this rule would be if the interpreter is called upon to testify as a language expert. In such instances the interpreter should limit his or her opinion to strict matters of linguistic expertise such as the meaning and usage of specific words or culturally bound terms. When called upon to testify in court, the interpreter should request a ruling by the court upon the propriety of testimony on confidential matters. Also, if a disciplinary complaint or lawsuit arising out of interpretation services is filed against an interpreter, he or she may testify about relevant communications.

RULE 7: SCOPE AND LIMITATIONS OF PRACTICE.

Interpreters shall limit themselves to interpreting, transliterating or translating and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting, transliterating or translating while serving as an interpreter.

Comment

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to

the activity of interpreting, transliterating or translating only. They should not take a primary role in such communications and may take a secondary role only as necessary for assuring an accurate and faithful interpretation, transliteration or translation.

Interpreters may assume a secondary role when they find it necessary to speak directly to the court to seek assistance in performing their duties, e.g., requesting that speakers moderate their rate of communication or repeat or rephrase a statement, correcting an interpreting error, or notifying the court of their reservations about their ability to satisfy an assignment competently.

Interpreters should avoid activities that may be reasonably construed to constitute the practicing of law, e.g., giving legal advice or answering parties' questions that would ordinarily be answered by an attorney. An interpreter may convey legal advice from an attorney to a person only while the attorney giving it is present.

Interpreters should not explain the purpose of forms and services or otherwise act as counselors, advisors or advocates unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

Interpreters should not personally serve to perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators, interviewers, probation officers, hearing officers, or counselors.

RULE 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE.

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the court or other appropriate judicial authority.

Comment

Interpreters should immediately notify the court if the communication mode or language of the LEP person cannot be readily interpreted or if the interpreter's language of expertise does not match that of the LEP person. They should also notify the court of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., too much noise in the courtroom, inability to hear the speaker or be heard by the LEP person, more than one person speaking at a time, or principals and witnesses speaking at a high rate of speed).

Sign language interpreters must ensure that they can both see and convey the full range of visual language elements necessary for communication, including facial expressions and body movement, as well as hand gestures.

Interpreters should inform the presiding officer of the need to take periodic breaks in order to maintain mental and physical alertness and prevent interpreter fatigue. They should also recommend and encourage the use of team interpreting whenever necessary.

Interpreters should refrain from accepting a case if they feel the language and subject matter is likely to

exceed their skills or capacities. Even competent and experienced interpreters may encounter cases in which routine proceedings suddenly involve technical or specialized terminology unfamiliar to them. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, preparation or difficulty in understanding a witness or defendant.

Finally, interpreters should notify the court of any personal bias they may have involving any aspect of the proceedings which may prevent them from performing their duties according to these rules. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

RULE 9: DUTY TO REPORT ETHICAL VIOLATIONS.

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of these rules, or any other official policy governing court interpreting and legal translating.

Comment

Because users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of these rules or other laws, regulations, or policies governing court interpreting. It is incumbent upon the interpreter to inform such persons of the interpreter’s professional obligations. If after having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should inform a supervisor, the judge, the court or another official with jurisdiction over interpreter matters to resolve the situation. Interpreters should report any solicitation or effort by another to induce or encourage them to violate any law, any provision of these rules, or any other standard governing interpreting, transliteration or translating promulgated by the Judiciary.

RULE 10: ACCEPTANCE OF COMPENSATION.

Interpreters shall accept no remuneration, gifts, gratuities or any other valuable consideration in excess of their authorized compensation in the performance of their official interpreting duties.

Comment

Interpreters should never accept any type of gifts, payment or compensation other than their due payment

for services rendered. They should reject any offers of favors, presents, tips (monetary or otherwise), or other acknowledgement as a “thank you” for services rendered. Neither should they accept invitations to events where their presence, admission, or participation can be construed as remuneration for professional services or assistance rendered in the course of the discharge of their duties. Interpreters should never be perceived as taking advantage of knowledge or information obtained in the performance of their official duties, or by their access to court records, facilities or privileges, for their own or another’s personal gain.

RULE 11: PROFESSIONAL DEVELOPMENT.

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

Comment

Interpreters must continually strive to increase their knowledge of the languages they work professionally, including past and current trends in technical, vernacular and regional terminology as well as their application within court proceedings. They should also keep abreast of all statutes, rules of court and policies of the judiciary that relate to the performance of their professional duties.

An interpreter should seek to continually elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues and reading current literature in the field.

RULE 12: AGREEMENT TO ABIDE BY THESE RULES.

Interpreters[,] **and** transliterators [**and translators**] working for the Unified Judicial System of Pennsylvania accept and agree to be bound by these rules, and understand that appropriate sanctions may be imposed by the ICP Administrator, hearing officer or Court Administrator for willful violations.

Comment

Upon completion of all certification requirements, interpreters shall be sworn in and issued a certificate attesting that they have successfully completed all program requirements. At the same time they will be asked to sign a copy of these rules of conduct which will then be placed in their permanent file. They will also receive a copy of the program’s disciplinary policy.

Schedule G

Interpreting Fee Schedules

Pursuant to 42 Pa.C.S. § 4411(d) and § 4431(d), the Court Administrator establishes the following reasonable fee schedules for onsite and remote interpreting services rendered by certified and otherwise qualified interpreters in judicial proceedings and other court services. These fees apply to both foreign and sign language interpretation.

Onsite Interpreting Fee Schedule

<i>Interpreter Classification</i>	<i>Hourly (2 hr. min.)</i>	<i>Half day (3.5 hrs.)</i>	<i>Full day (7 hrs.)</i>
Master	\$80	\$260	\$475
Certified	\$65	\$210	\$400
Qualified	\$45	\$140	\$270

<u>Interpreter Classification</u>	<u>Hourly (2 hr. min.)</u>	<u>Half day (3.5 hrs.)</u>	<u>Full day (7 hrs.)</u>
<u>Conditional</u>	<u>\$35</u>	<u>\$105</u>	<u>\$200</u>
<u>Registered</u>	<u>\$60</u>	<u>\$200</u>	<u>\$390</u>
<u>Rare or Uncommon Languages and Interpreters from Resource Lists Provided by ICP</u>	<u>Interpreters in this category will be compensated based on their qualifications, experience, type of case and language within the parameters of the compensation schedule and the guidelines.</u> <u>Note: Rare or uncommon languages are languages of low diffusion not listed in the ICP Roster.</u>		

Miscellaneous Provisions

1. Minimum compensation. When hired at an hourly rate, interpreters are entitled to a two (2) hour minimum guaranteed compensation per assignment.

2. Assignments. An assignment is the contracted timeframe for which the interpreter is retained regardless of the number of cases scheduled within that timeframe. When interpreters are assigned to several cases at various courts in the same judicial district/county scheduled sequentially on the same day, that constitutes an assignment and compensation will be based on the total time worked in that district that day. The two (2) hour minimum applies per assignment not on a per case basis. A half day consists of three and a half (3.5) hours and a full day consists of 7 hours.

3. Cancellation. Cancellations are based on business days and exclude weekends and holidays.

a. Interpreters who receive at least forty-eight (48) hours advance notice of a cancellation, excluding weekends and holidays, are not entitled to a cancellation fee.

b. Hourly, half, and one day assignments. If cancellation occurs with less than forty-eight (48) hours' notice, excluding weekends and holidays, after the interpreter starts traveling to, or reports for an assignment, the cancellation fee shall be equivalent of two (2) hours pay based on the hourly rate and interpreter classification.

c. Multiple day assignments. When the interpreter is hired for an assignment lasting two (2) or more days, if cancellation occurs with less than forty-eight (48) hours' notice, excluding weekends and holidays, after the interpreter starts traveling to or reports for an assignment, the cancellation fee shall be equivalent to one (1) full day compensation for the first day and one (1) hour for each additional day based on interpreter classification. If a case ends before the contracted time (i.e., an interpreter is retained for three (3) day trial, but the case settles after the first day), an interpreter will be entitled to two (2) hours pay for each canceled day.

d. Interpreters will be entitled to reimbursement of any incurred expenses in accordance with Section 4.

e. When the interpreter cancels an assignment, there will be no compensation.

4. Mileage, parking, tolls, and travel.

a. Mileage will be paid at the prevailing rate in the county or court whenever the interpreter travels more than twenty-five (25) miles round trip to an assignment. If no mileage rate is set locally, mileage will be paid at the prevailing IRS rate. Tolls will be reimbursed with proof of payment (i.e., detailed bills evidencing payment, receipts, and/or canceled checks).

b. Parking will be paid when no free parking exists within a five (5)-block radius of the assignment location. No parking will be paid when free parking is provided.

c. Travel time will be paid when the interpreter travels more than two (2) hours round trip from the interpreter's normal business address or location to an assignment. Travel time will be paid at half the hourly compensation rate for the interpreter's classification.

d. Travel by public transportation. If travel by bus, train or plane is required, the interpreter is entitled to full reimbursement of travel costs.

e. Overnight accommodations. If overnight hotel accommodations are required for the completion of an assignment, this expense is reimbursable to the interpreter. Courts are encouraged to make the necessary reservations themselves at a local hotel close to the assignment location. The interpreter is also entitled to a per diem for overnight assignments based on the prevailing CONUS rates.

f. Proof of payment (i.e., detailed bills evidencing payment, receipts, and/or canceled checks) must accompany all requests for reimbursement.

5. Overtime. Overtime will be paid only when an assignment exceeds a full day (7 hours). Compensation will be in hourly increments, or fraction thereof, at one and a half (1.5) times the interpreter's hourly rate based on the interpreter contracted rate and credentialing level. Assignments that exceed the interpreter's contracted time but are less than seven (7) hours long will be paid in hourly increments, or fraction thereof, based on the interpreter-contracted rate and credentialing level.

6. Interpreting Equipment. Interpreters are not allowed to charge for the use of their own interpreting equipment. Courts are encouraged to purchase interpreting equipment and make it available to interpreters.

Remote Interpreting Fee Schedule

<u>Interpreter Classification</u>	<u>VIDEO & TELEPHONIC INTERPRETING RATES</u>			
	<u>Hourly up to 3.5 Hours</u>		<u>Half & Full Day</u>	
	<u>First Hour (Hourly rate) (1 hr. min.)</u>	<u>Each Additional 15 Minutes (1/4 hourly rate)</u>	<u>Half Day (3.5 hrs.)</u>	<u>Full Day (7 hrs.)</u>
<u>Master</u>	<u>\$80</u>	<u>\$20</u>	<u>\$260</u>	<u>\$475</u>
<u>Certified</u>	<u>\$65</u>	<u>\$16.25</u>	<u>\$210</u>	<u>\$400</u>
<u>Qualified</u>	<u>\$45</u>	<u>\$11.25</u>	<u>\$140</u>	<u>\$270</u>
<u>Conditional</u>	<u>\$35</u>	<u>\$8.75</u>	<u>\$105</u>	<u>\$200</u>
<u>Registered</u>	<u>\$60</u>	<u>\$15</u>	<u>\$200</u>	<u>\$390</u>
<u>Rare or uncommon languages and interpreters from resource lists provided by the ICP</u>	<u>Interpreters in this category will be compensated based on their qualifications, experience, type of case, and language within the parameters of the compensation schedule and the guidelines.</u> <u>Note: Rare or uncommon languages are languages of low diffusion not listed in the ICP Roster.</u>			

Miscellaneous Provisions

1. Cancellation. Cancellations are based on business days and exclude weekends and holidays.

a. Interpreters who receive at least forty-eight (48) hours advance notice of a cancellation, excluding weekends and holidays, are not entitled to a cancellation fee.

b. Hourly assignments. If cancellation occurs with less than forty-eight (48) hours' notice, excluding weekends and holidays, or after the interpreter reports for an assignment, the cancellation fee shall be equivalent to one (1) hour pay based on the hourly rate and interpreter classification.

c. Half and full day assignments. If cancellation occurs with less than forty-eight (48) hours' notice, excluding weekends and holidays, or after the interpreter reports for an assignment, the cancellation fee shall be equivalent to two (2) hours pay based on the hourly rate and interpreter classification.

d. When the interpreter cancels an assignment, there will be no compensation.

2. Compensation, time extensions, and overtime

a. Hourly Rate. The first hour is paid according to the table above. After the first hour, compensation will be paid in fifteen (15) minute increments at one quarter (1/4) of the hourly rate for the next two and a half (2.5) hours based on the interpreter credentialing level. Judicial districts are strongly encouraged to consider hiring at the half or full-day rate when assignments are expected to go over two (2) hours and when hiring for more than one case.

b. Half-day rate. Assignments that exceed the interpreter's contracted time, but are less than seven (7) hours long will be paid at half (1/2) the hourly rate in thirty (30) minute increments, or fraction thereof, based on the interpreter hourly rate and credentialing level.

c. Overtime. Additional compensation will be paid when an assignment exceeds the equivalent of a full day (7 hours). Compensation will be paid in

hourly increments, or fraction thereof, based on the interpreter's hourly rate and credentialing level.

d. Remote assignments outside normal business hours (8am—5pm) via video or phone will be paid at one and a half (1.5) the hourly rate based on the interpreter credentialing level. A one and a half (1.5) hour minimum will apply. Additional time will be paid in thirty (30) minute increments at half (1/2) the hourly rate based on the interpreter credentialing level.

3. Time commitment

a. Interpreters should be notified about the expected length of the assignment by the court (language access coordinator or assignment clerk) when contracted. This will be based on the best estimate available to the court at the time of hiring. Interpreters must remain available for the duration of the contracted time unless they are released by the court prior to the expiration of their contracted time.

b. Interpreters are expected to allow at least a thirty (30) to forty-five (45) minute window between cases when contracting to provide services remotely. This will allow for a smooth transition between assignments. The exception is when cases are scheduled sequentially in the same judicial district.

c. When reporting for a remote assignment, the interpreter must always advise the court if they have another matter scheduled after the expected time commitment they agreed to when hired for the case.

d. Under no circumstances will the interpreter leave an on-going matter due to a scheduled conflict with an upcoming assignment without the consent of the presiding judicial officer. The interpreter must alert the presiding judicial officer of any possibility of a scheduling conflict and wait for the court to conclude the matter before withdrawing from the call. If necessary, the interpreter should be given an opportunity to inform their client for the next assignment that they are delayed.

e. Any interpreter that intentionally leaves a video or telephonic assignment without the consent of the presiding judicial officer and before the expiration of the agreed length of time, for which the interpreter was contracted, will not be compensated for any time worked on the case.

4. Equipment considerations

a. The interpreter shall have the necessary equipment, hardware, software, and internet broadband connection, to provide effective video and telephone interpretation and will maintain such equipment in proper working order. The equipment must be compatible with the various platforms and solutions used by judicial districts. The use of an ethernet connection, headphones, and microphones for providing video remote interpretation is preferred and considered a best practice.

b. A fast and secure wired connection is preferred for providing telephonic interpretation during both court proceedings and conference calls and when using a separate line to provide simultaneous interpretation during video calls. This is due to security and privacy concerns and to the unreliability and vulnerability of mobile devices and wireless signals. If a mobile wireless device is used, the interpreter must make sure they are in a location with a strong signal and are working within a secure network.

c. Interpretation should be provided from a quiet location free of noise and distraction, preferably from a designated space in the interpreter's office or home that also provides a neutral background and noise cancellation. Interpretation should never be done from a vehicle or while driving.

d. Interpretation should not be made over speakerphone when the interpreter is in a location that does not provide privacy and a quiet, secure environment.

e. Interpreters are not allowed to charge for the use of their own interpreting equipment.

EXPLANATORY REPORT

Amendments to the Regulations for Court Interpreters for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing

The Administrative Office of Pennsylvania Courts is considering amendments to the regulations for court interpreters that would synthesize the regulations with the Language Access Plan for the Unified Judicial System (UJS Language Access Plan); revise restrictions related to remote interpreting; codify and amend the onsite interpreter fee schedule while providing increases to the current onsite interpreter rates; and establish a new remote interpreter fee schedule. AOPC developed the proposed amendments in consultation with its Language Access Monitoring and Evaluation Team and a group of rostered interpreters. The more substantive proposed amendments are detailed below.

The definition of a “staff interpreter” in § 102(r) was amended to exclude “otherwise qualified” interpreters. A definition for “oral transliteration” was added to § 102(s).

Section 103(i) was added to include confidential communications to human trafficking caseworkers on the list of

communications about which an interpreter cannot be permitted or compelled to testify. Section 104(c) was revised to include reference to the Protection of Sexual Victims and Intimidation Act.

Section 104 has been revised to increase the maximum time limit of video remote and telephonic interpreting from 30 minutes to one hour and remove other restrictions. Section 104 was revised based on feedback received from the judicial districts and interpreters on the average length and type of cases currently being handled remotely.

Section 108(b) has been eliminated to comply with the Americans with Disabilities Act and regulations pursuant thereto and the Rehabilitation Act of 1973, which require public entities to provide sign language interpreters for free. See 42 U.S.C. § 12131, *et seq.*; 29 U.S.C. § 794; 28 C.F.R. § 35.160 (Subpart E—Communications).

Subchapter 2 was reorganized for clarity and includes new language codifying the UJS Language Access Plan's requirement that judicial districts utilize available mechanisms to track the need for an interpreter throughout the life of a case.

Section 311 replaces the reference to the former “consortium” with a reference to the present advisory body, the National Center for State Courts' Language Access Services Section, and updates the reciprocity guidelines.

Section 404(h) deletes the requirement for hearing officers to specifically enumerate the interpreter's right to appeal because no formal appeal process exists.

In Schedule B, the exam time frame was changed to 1 hour from 45 minutes for examinees to translate ten items. One hour was determined to be a fairer time allocation for completion of the test.

In Schedule C, the amount of time before a retake of the oral proficiency exam is permitted was shortened to six months from “six to eight months” following agreement between Conference of Language Access Coordinators members and National Center for State Courts that six months was sufficient time to prevent overexposure of test content. The full and abbreviated examination languages available were also updated.

Schedule D was clarified to provide that in order to pass the English Oral Proficiency Test, the examinee must have a Versant English Test Passing score 47. The TOEFL written test was also removed from the Table 2 because it was never used.

The oral exam retake fees have been codified in Schedule E.

In Schedule F, the term “translate” has been eliminated from the “Applicability and Enforcement” section because these rules govern only interpreters, not translators. Similar changes have been made to Rule 12.

Schedule G was added to codify revisions to the onsite interpreter and new remote interpreter fee schedules. The original onsite interpreter compensation schedule was promulgated in 2010 and posted on the UJS website. These changes were developed with input received from rostered interpreters through three virtual meetings held in fall 2020. The proposed schedules ensure that Pennsylvania remains competitive with the surrounding states by minimally increasing the onsite rates and providing greater clarity to the cancellation, travel, and overtime

policies for both onsite and remote interpreting. The new remote interpreting fee schedule's one hour minimum is based upon the average length of remote interpreting sessions and the newly revised time limit for remote and telephonic interpreting set forth in § 104.

All comments and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 21-795. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY

Local Rule 212-4; Civil 96-1335

Order of Court

And Now, this 7th day of May, 2021, and effective July 1, 2021, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, Cumberland County Local Rule of Court 212-4 is amended to read as follows:

Rule 212-4.

Each party to a civil action shall submit a pretrial memorandum to the Prothonotary's office and serve a copy on all other parties, no later than Friday prior to the pretrial conference. The memorandum shall set forth in the following order:

- 1) A statement of the basic facts as to liability.
- 2) A statement of the basic facts as to damages.
- 3) A statement as to the principal issues of liability and damages.
- 4) A summary of legal issues regarding admissibility of testimony, exhibits or any other matter, and legal authorities relied on.
- 5) The identity of witnesses to be called.
- 6) A list of exhibits with brief identification of each.
- 7) The current status of settlement negotiations including a statement as to whether an Alternative Dispute Resolution option has been utilized.

Adopted and effective August 28, 1981.

Amended December 1, 1991, effective December 1, 1991.

Amended February 5, 2010, effective July 1, 2010.

Amended May 7, 2021, effective July 1, 2021.

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

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.
4. Incorporation of the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,
President Judge

[Pa.B. Doc. No. 21-796. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

GREENE COUNTY

Local Rule—Criminal Pretrial Services; C.A. No. 8 of 2021

Order

And Now, this 11th day of May, 2021, it is hereby Ordered, Directed and Decreed that the following Rule is adopted as Greene County Local Rule G530-CRIM.

In compliance with Pa. Rule of Civil Procedure 239 and Pa. Rule of Judicial Administration 103, we promulgate the following Greene County Local Rule and the District Court Administrator shall:

- a. File one copy of the local rule with the Administrative Office of Pennsylvania Courts;
- b. File two paper copies and one electronic copy in Microsoft Word format only on a CD-ROM, or other agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b), containing the text of the local rule to the Legislative Bureau for publication in the *Pennsylvania Bulletin*;
- c. File one copy with the Criminal Procedural Rules Committee; and
- d. File a copy of the local rule, which shall be continuously available for inspection and copying, in the Office of the Prothonotary of Greene County.

This local rule shall become effective not less than thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

LOUIS DAYICH,
President Judge

G530—CRIM. Pretrial Services.

A Pretrial Services Unit shall be established within the Adult Probation and Parole Office to assist the Court by gathering and making recommendations concerning the release and conditions on bail for individual defendants, to monitor, supervise, and assist defendants released on bail, and to inform the Court of any breach of conditions of release. It is further ORDERED that the following regulations shall govern the pretrial services program:

1. The Adult Probation and Parole Office, through the Pretrial Services Unit, is hereby designated as the bail agency for the Court of Common Pleas of Greene County provided that the posting of bail and other ministerial functions shall remain with the Greene County Clerk of Courts during regular business hours and with the on-call District Judge on weekends, holidays or after hours.

a. The Pretrial Services Unit shall monitor and assist defendants released on bail. The duties and powers of the unit shall include the following:

(i) Collecting and analyzing defendant information for use by the bail authority in assessing the likelihood of failure to appear and the danger that the release of such person may pose to any other person or the community.

(ii) Making recommendations to the Court concerning bail, appropriate conditions of release and continuing conditions of release.

(iii) Monitoring and supervising Defendants who are released on bail conditions during the pretrial phase of their cases; and

(iv) Assisting Defendants released into Pretrial Services in securing any necessary employment, medical, or social services.

2. All motions concerning bail before verdict pursuant to Pa.R.Crim.P. 529(c) shall be heard by the designated Judge in open Court and on the record. Notice of the hearing concerning bail before verdict must be given to the attorney for the Commonwealth, Defense counsel of record, and bail agency (Adult Probation and Parole Office).

3. Whenever a Defendant has failed to comply with the rules and regulations of the bail bond, or of the bail agency, or any other additional conditions of his release, the bail agency shall notify the attorney for the Commonwealth, the attorney for the Defendant, and the Court.

a. The attorney for the Commonwealth may request a bond revocation and arrest warrant if it appears that a Defendant has violated a term of the bail. The warrant may be served by any authorized law enforcement officer including pretrial and probation officers of the Adult Probation and Parole Office.

[Pa.B. Doc. No. 21-797. Filed for public inspection May 21, 2021, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E, which provides for trust account overdraft notification.

SUZANNE E. PRICE,
Attorney Registrar

FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

Bank Code A.

595 Abacus Federal Savings Bank
2 ACNB Bank
613 Allegent Community Federal Credit Union
375 Altoona First Savings Bank
376 Ambler Savings Bank
532 AMERICAN BANK (PA)

615 Americhoice Federal Credit Union
116 AMERISERV FINANCIAL
648 Andover Bank (The)
377 Apollo Trust Company

Bank Code B.

558 Bancorp Bank (The)
485 Bank of America, NA
662 Bank of Bird in Hand
415 Bank of Landisburg (The)
664 BankUnited, NA
642 BB & T Company
501 BELCO Community Credit Union
652 Berkshire Bank
663 BHCU
5 BNY Mellon, NA
392 Brentwood Bank
495 Brown Brothers Harriman Trust Co., NA
161 Bryn Mawr Trust Company (The)

Bank Code C.

654 CACL Federal Credit Union
618 Capital Bank, NA
16 CBT Bank, a division of Riverview Bank
136 Centric Bank
394 CFS BANK
623 Chemung Canal Trust Company
599 Citibank, NA
238 Citizens & Northern Bank
561 Citizens Bank, NA
206 Citizens Savings Bank
576 Clarion County Community Bank
660 Clarion FCU
591 Clearview Federal Credit Union
23 CNB Bank
223 Commercial Bank & Trust of PA
21 Community Bank (PA)
371 Community Bank, NA (NY)
132 Community State Bank of Orbisonia
647 CONGRESSIONAL BANK
380 County Savings Bank
536 Customers Bank

Bank Code D.

339 Dime Bank (The)
27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
567 Embassy Bank for the Lehigh Valley
541 Enterprise Bank
28 Ephrata National Bank
601 Esquire Bank, NA
340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
158 1st Summit Bank
31 F & M Trust Company—Chambersburg
658 Farmers National Bank of Canfield
205 Farmers National Bank of Emlenton (The)
34 Fidelity Deposit & Discount Bank (The)
343 FIDELITY SAVINGS & LOAN
ASSOCIATION OF BUCKS COUNTY
583 Fifth Third Bank
661 First American Trust, FSB
643 First Bank
174 First Citizens Community Bank
191 First Columbia Bank & Trust Company
539 First Commonwealth Bank

504 First Federal S & L Association of Greene County
 525 First Heritage Federal Credit Union
 42 First Keystone Community Bank
 51 First National Bank & Trust Company of Newtown (The)
 48 First National Bank of Pennsylvania
 426 First Northern Bank & Trust Company
 604 First Priority Bank, a division of Mid Penn Bank
592 FIRST RESOURCE BANK
 657 First United Bank & Trust
 408 First United National Bank
 151 Firsttrust Savings Bank
 416 Fleetwood Bank
 175 FNCB Bank
 291 Fox Chase Bank
 241 Franklin Mint Federal Credit Union
 639 Freedom Credit Union
 58 Fulton Bank, NA

Bank Code G.

499 Gratz Bank (The)
 498 Greenville Savings Bank

Bank Code H.

402 Halifax Branch, of Riverview Bank
 244 Hamlin Bank & Trust Company
 362 Harleysville Savings Bank
 363 Hatboro Federal Savings
 463 Haverford Trust Company (The)
 606 Hometown Bank of Pennsylvania
 68 Honesdale National Bank (The)
 350 HSBC Bank USA, NA
364 HUNTINGDON VALLEY BANK
 605 Huntington National Bank (The)
 608 Hyperion Bank

Bank Code I.

669 Industrial Bank
 365 InFirst Bank
 557 Investment Savings Bank
 526 Iron Workers Savings Bank
 668 Inspire FCU
 670 Investors Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 659 JPMorgan Chase Bank, NA
72 JUNIATA VALLEY BANK (THE)

Bank Code K.

651 KeyBank NA
 414 Kish Bank

Bank Code L.

554 Landmark Community Bank
 542 Linkbank
 78 Luzerne Bank

Bank Code M.

361 M & T Bank
 386 Malvern Bank, NA
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars Bank
 43 Marysville Branch, of Riverview Bank
 367 Mauch Chunk Trust Company

511 MCS (Mifflin County Savings) Bank
 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 671 Merchants Bank of Indiana
 610 Meridian Bank
 420 Meyersdale Branch, of Riverview Bank
 294 Mid Penn Bank
276 MIFFLINBURG BANK & TRUST COMPANY
 457 Milton Savings Bank
596 MOREBANK, A DIVISION OF BANK OF PRINCETON (THE)
484 MUNCY BANK & TRUST COMPANY (THE)

Bank Code N.

433 National Bank of Malvern
 168 NBT Bank, NA
 347 Neffs National Bank (The)
434 NEW TRIPOLI BANK
 15 NexTier Bank, NA
 636 Noah Bank
 638 Norristown Bell Credit Union
 666 Northern Trust Co.
 439 Northumberland National Bank (The)
 93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
 489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 PARKE BANK
 584 Parkview Community Federal Credit Union
 40 Penn Community Bank
 540 PennCrest Bank
 419 Pennian Bank
 447 Peoples Security Bank & Trust Company
 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 665 Pinnacle Bank
 79 PNC Bank, NA
 449 Port Richmond Savings
 667 Premier Bank
 451 Progressive-Home Federal Savings & Loan Association
 354 Prosper Bank
 637 Provident Bank
 456 Prudential Savings Bank
 491 PS Bank

Bank Code Q.

107 QNB Bank
 560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank
 220 Republic First Bank d/b/a Republic Bank
 628 Riverview Bank

Bank Code S.

153 S & T Bank
 316 Santander Bank, NA
 460 Second Federal S & L Association of Philadelphia
 646 Service 1st Federal Credit Union
 458 Sharon Bank
 462 Slovenian Savings & Loan Association of Franklin-Conemaugh

- 486 **SOMERSET TRUST COMPANY**
- 633 SSB Bank
- 518 **STANDARD BANK, PASB**
- 440 SunTrust Bank
- 122 Susquehanna Community Bank

Bank Code T.

- 143 TD Bank, NA
- 656 **TIOGA FRANKLIN SAVINGS BANK**
- 182 **TOMPKINS VIST BANK**
- 609 Tristate Capital Bank
- 640 TruMark Financial Credit Union
- 467 Turbotville National Bank (The)

Bank Code U.

- 483 UNB Bank
- 481 Union Building and Loan Savings Bank
- 634 United Bank, Inc.
- 472 United Bank of Philadelphia
- 475 United Savings Bank
- 600 Unity Bank
- 232 Uninvest Bank & Trust Co.

Bank Code V.

- 611 Victory Bank (The)

Bank Code W.

- 119 **WASHINGTON FINANCIAL BANK**
- 121 Wayne Bank
- 631 Wells Fargo Bank, NA
- 553 WesBanco Bank, Inc.
- 494 West View Savings Bank
- 473 Westmoreland Federal S & L Association
- 476 William Penn Bank
- 272 Woodlands Bank
- 573 **WOORI AMERICA BANK**
- 630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.

Bank Code Y.

- 577 York Traditions Bank

Bank Code Z.

PLATINUM LEADER BANKS

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher

of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.

New

- 670—Investors Bank
- 671—Merchants Bank of Indiana

Name Change

- 354—Coatesville Savings Bank—Change to 354 Prosper Bank

Platinum Leader Change

- 392—Brentwood Bank—Remove

Correction

Removal

[Pa.B. Doc. No. 21-798. Filed for public inspection May 21, 2021, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Barry Jay Beran having been suspended from the practice of law in the State of New Jersey; the Supreme Court of Pennsylvania issued an Order dated May 6, 2021 suspending Barry Jay Beran from the practice of law in this Commonwealth for a period of three years, effective June 5, 2021. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 21-799. Filed for public inspection May 21, 2021, 9:00 a.m.]

SUPREME COURT

Duty Assignment Schedule for Emergency Petitions in the Year 2021; No. 542 Judicial Administration Doc.

Amended Order

Per Curiam:

And Now, this 11th day of May, 2021, the order dated December 24, 2020 regarding emergency duty assignment for the year 2021, is hereby amended as follows:

June	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)
July	Justice Debra Todd Justice David Wecht	(Eastern District) (Western District)
August	Justice Tom Saylor Justice Debra Todd	(Eastern District) (Western District)
September	Justice Christine Donohue Justice Sallie Updyke Mundy	(Eastern District) (Western District)

October	Justice David Wecht Justice Kevin Dougherty	(Eastern District) (Western District)
November	Justice Kevin Dougherty Justice Tom Saylor	(Eastern District) (Western District)
December	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)

[Pa.B. Doc. No. 21-800. Filed for public inspection May 21, 2021, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 207 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 6th day of May, 2021, it is hereby Ordered that the financial institutions named on the following list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

Bank Code A.

595	Abacus Federal Savings Bank
2	ACNB Bank
613	Allegent Community Federal Credit Union
375	Altoona First Savings Bank
376	Ambler Savings Bank
532	AMERICAN BANK (PA)
615	Americhoice Federal Credit Union
116	AMERISERV FINANCIAL
648	Andover Bank (The)
377	Apollo Trust Company

Bank Code B.

558	Bancorp Bank (The)
485	Bank of America, NA
662	Bank of Bird in Hand
415	Bank of Landisburg (The)
664	BankUnited, NA
642	BB & T Company
501	BELCO Community Credit Union
652	Berkshire Bank
663	BHCU
5	BNY Mellon, NA
392	Brentwood Bank
495	Brown Brothers Harriman Trust Co., NA
161	Bryn Mawr Trust Company (The)

Bank Code C.

654	CACL Federal Credit Union
618	Capital Bank, NA
16	CBT Bank, a division of Riverview Bank
136	Centric Bank
394	CFS BANK
623	Chemung Canal Trust Company
599	Citibank, NA
238	Citizens & Northern Bank
561	Citizens Bank, NA
206	Citizens Savings Bank
576	Clarion County Community Bank
660	Clarion FCU

591	Clearview Federal Credit Union
23	CNB Bank
223	Commercial Bank & Trust of PA
21	Community Bank (PA)
371	Community Bank, NA (NY)
132	Community State Bank of Orbisonia
647	CONGRESSIONAL BANK
380	County Savings Bank
536	Customers Bank

Bank Code D.

339	Dime Bank (The)
27	Dollar Bank, FSB

Bank Code E.

500	Elderton State Bank
567	Embassy Bank for the Lehigh Valley
541	Enterprise Bank
28	Ephrata National Bank
601	Esquire Bank, NA
340	ESSA Bank & Trust

Bank Code F.

629	1st Colonial Community Bank
158	1st Summit Bank
31	F & M Trust Company—Chambersburg
658	Farmers National Bank of Canfield
205	Farmers National Bank of Emlenton (The)
34	Fidelity Deposit & Discount Bank (The)
343	FIDELITY SAVINGS & LOAN ASSOCIATION OF BUCKS COUNTY
583	Fifth Third Bank
661	First American Trust, FSB
643	First Bank
174	First Citizens Community Bank
191	First Columbia Bank & Trust Company
539	First Commonwealth Bank
504	First Federal S & L Association of Greene County
525	First Heritage Federal Credit Union
42	First Keystone Community Bank
51	First National Bank & Trust Company of Newtown (The)
48	First National Bank of Pennsylvania
426	First Northern Bank & Trust Company
604	First Priority Bank, a division of Mid Penn Bank
592	FIRST RESOURCE BANK
657	First United Bank & Trust
408	First United National Bank
151	Firsttrust Savings Bank
416	Fleetwood Bank
175	FNCB Bank
291	Fox Chase Bank 2
41	Franklin Mint Federal Credit Union
639	Freedom Credit Union
58	Fulton Bank, NA

Bank Code G.

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498 Greenville Savings Bank

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362 Harleysville Savings Bank
363 Hatboro Federal Savings
463 Haverford Trust Company (The)
606 Hometown Bank of Pennsylvania
68 Honesdale National Bank (The)
350 HSBC Bank USA, NA
364 HUNTINGDON VALLEY BANK
605 Huntington National Bank (The)
608 Hyperion Bank

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365 InFirst Bank
557 Investment Savings Bank
526 Iron Workers Savings Bank
668 Inspire FCU
670 Investors Bank

Bank Code J.

70 Jersey Shore State Bank
127 Jim Thorpe Neighborhood Bank
488 Jonestown Bank & Trust Company
659 JPMorgan Chase Bank, NA
72 JUNIATA VALLEY BANK (THE)

Bank Code K.

651 KeyBank NA
414 Kish Bank

Bank Code L.

554 Landmark Community Bank
542 Linkbank
78 Luzerne Bank

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81 Mars Bank
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511 MCS (Mifflin County Savings) Bank
641 Members 1st Federal Credit Union
555 Mercer County State Bank
192 Merchants Bank of Bangor
671 Merchants Bank of Indiana
610 Meridian Bank
420 Meyersdale Branch, of Riverview Bank
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168 NBT Bank, NA
347 Neffs National Bank (The)
434 NEW TRIPOLI BANK
15 NextTier Bank, NA

636 Noah Bank
638 Norristown Bell Credit Union
666 Northern Trust Co.
439 Northumberland National Bank (The)
93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
489 OMEGA Federal Credit Union
94 Orrstown Bank

Bank Code P.

598 PARKE BANK
584 Parkview Community Federal Credit Union
40 Penn Community Bank
540 PennCrest Bank
419 Pennian Bank
447 Peoples Security Bank & Trust Company
99 PeoplesBank, a Codorus Valley Company
556 Philadelphia Federal Credit Union
448 Phoenixville Federal Bank & Trust
665 Pinnacle Bank
79 PNC Bank, NA
449 Port Richmond Savings
667 Premier Bank
451 Progressive-Home Federal Savings & Loan Association
354 Prosper Bank
637 Provident Bank
456 Prudential Savings Bank
491 PS Bank

Bank Code Q.

107 QNB Bank
560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank
220 Republic First Bank d/b/a Republic Bank
628 Riverview Bank

Bank Code S.

153 S & T Bank
316 Santander Bank, NA
460 Second Federal S & L Association of Philadelphia
646 Service 1st Federal Credit Union
458 Sharon Bank
462 Slovenian Savings & Loan Association of Franklin-Conemaugh
486 SOMERSET TRUST COMPANY
633 SSB Bank
518 STANDARD BANK, PASB
440 SunTrust Bank
122 Susquehanna Community Bank

Bank Code T.

143 TD Bank, NA
656 TIOGA FRANKLIN SAVINGS BANK
182 TOMPKINS VIST BANK
609 Tristate Capital Bank
640 TruMark Financial Credit Union
467 Turbotville National Bank (The)

Bank Code U.

483 UNB Bank
481 Union Building and Loan Savings Bank
634 United Bank, Inc.
472 United Bank of Philadelphia
475 United Savings Bank

1600 Unity Bank
232 Uninvest Bank & Trust Co.

Bank Code V.

611 Victory Bank (The)

Bank Code W.

119 WASHINGTON FINANCIAL BANK
121 Wayne Bank
631 Wells Fargo Bank, NA
553 WesBanco Bank, Inc.
494 West View Savings Bank
473 Westmoreland Federal S & L Association
476 William Penn Bank
272 Woodlands Bank
573 WOORI AMERICA BANK
630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.**

577 York Traditions Bank

Bank Code Z.**PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.

New

670—Investors Bank

671—Merchants Bank of Indiana

Name Change

354—Coatesville Savings Bank—Change to 354 Prosper Bank

Platinum Leader Change

392—Brentwood Bank—Remove

*Correction**Removal*

[Pa.B. Doc. No. 21-801. Filed for public inspection May 21, 2021, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending May 11, 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

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
05-07-2021	Robert Dong H. Lee Alpine New Jersey Kum H. Lee Great Neck New York	Filed
Application for approval to collectively acquire more than 5% of the shares of the voting common stock of Noah Bank, Elkins Park, PA.		

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-06-2021	CNB Bank Clearfield Clearfield County	635 South State Street Westerville Franklin County, OH	Filed
05-07-2021	Farmers and Merchants Trust Co. of Chambersburg Chambersburg Franklin County	4050 Crums Mill Road Suite 301 Harrisburg Dauphin County (Limited Service Facility)	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-05-2021	Peoples Security Bank and Trust Co. Scranton Lackawanna County	<i>To:</i> 339 South Main Street Doylestown Bucks County <i>From:</i> 325 South Main Street Doylestown Bucks County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-30-2021	CNB Bank Clearfield Clearfield County	4545 West Dublin-Granville Road Dublin Dublin County, OH	Closed

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 21-802. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council WebEx Meeting

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a WebEx meeting on May 26, 2021, at 10 a.m. The WebEx meeting can be accessed through a link found on the Council web site prior to the meeting at www.dcnr.pa.gov/cnrac.

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

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

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 21-803. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notice of Proposed Exchange of Property

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and Emporium Water Company are proposing to negotiate an exchange of property interests in Portage Township, Cameron County.

The proposed property exchange would involve two tracts of land, together with certain access easements. The public and the Elk Forest District would benefit from acquiring the 3.98-acre Emporium Water Company tract by gaining direct access to the Elk State Forest at this location along Steam Mill Road. The Emporium Water Company would receive the 8.35-acre State-owned property that would provide them direct access to manage their land. Although the net acreage difference is not in the Commonwealth's favor, this land exchange would greatly simplify boundaries along the border with the Emporium Water Company, easing land administration and boundary-line maintenance. The timber resource on both tracts would be the property of the Elk State Forest. No subsurface rights will be exchanged as a result of this proposed exchange.

The land exchange will also include two permanent access easements that will provide administrative access for both parties. One will allow Elk Forest District to conduct timber harvest activities and provide additional right of way access to the public to the Salt Run tract along Route 155 by means of Salt Run Road. The other would allow Emporium Water Company to use Butcher Hollow Road to access their property off Steam Mill Road.

As is the policy of the Department, the public is hereby notified of this proposed exchange. A 30-day period for public inquiry or comment, or both, will be in effect beginning May 22, 2021, and ending June 20, 2021. Oral or written comments or questions concerning this proposed exchange may be addressed to Tom Stahl, Planning Section, Bureau of Forestry, P.O. Box 8552, Harrisburg, PA 17105-8552, thstahl@pa.gov, (717) 772-0268. Oral or written comments, or both, will become part of the official document used in the final decision process. Written documents are also available regarding the proposed land exchange by request.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 21-804. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of Design Professional Firms; Project Reference No. FDC-500-817

The Department of Conservation and Natural Resources (Department) is issuing this Request for Proposals (RFP) from interested and qualified design professional firms (Consultant or Offeror) for an open-end contract or contracts for various architectural, landscape architectural and engineering design services. The contract or contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operations of the Department's infrastructure and facilities. The contract or contracts will be managed by the Department's Bureau of Facility Design and Construction (Bureau).

The number of open-end contracts and the dollar amount of each contract will be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

Proposals will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of architecture or engineering, or both. If an individual, firm or corporation not authorized to engage in the practice of architecture or engineering, or both, desires to submit a proposal the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of architecture or engineering, or both, in this Commonwealth. The design professional firm may be an architectural/engineering firm, an engineering/architectural firm, an architectural firm with landscape architectural and engineering sub-consultants or an engineering firm with architectural and landscape architectural sub-consultants.

Background

Established on July 1, 1995, the Department is charged with maintaining and preserving the 121 State Parks; managing the 2.2 million acres of State Forest land; providing information on the Commonwealth's ecological and geologic resources; and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas.

The Bureau provides multidisciplined facility and infrastructure technical support to the other bureaus in the Department in the areas of project design, project inspections, construction management, contract administration, surveying and other technical advice and consultation. This Bureau is comprised of three Divisions: Dams, Bridges and Roadways Engineering; Environmental Engineering and Architecture; and Field Engineering and Contracts Management.

The Bureau's Central Office (located in Harrisburg) is responsible for the development of architectural, landscape architectural, water and sanitary, bridge and roadway, and civil and environmental projects required to support the Department's facility construction and maintenance program. The Central Office is comprised of five design sections: Architectural Design, Landscape Design, Sanitary and Water Management, Bridges and Road Management and Civil Design. In addition to project design, staff also provides technical architectural and engineering support and advice to assist field operation in State Parks and State Forests.

The Bureau also has four field offices: Northcentral Office in Emporium; Western Office in Moraine State Park; Southcentral Office in Shawnee State Park; and Eastern Office in Nockamixon State Park. Each office is responsible for providing direct engineering and technical support to the State Parks and Forests field operation staff in their area. Staff is responsible for project inspection and construction management to ensure contractor compliance with the construction contract documents as well as some project design.

PART I GENERAL INFORMATION

I-1 Issuing Office. The Department has issued this RFP on behalf of the Commonwealth. The sole point of contact for this RFP will be the Issuing Officer listed as follows. Refer all inquiries to the Issuing Officer:

Michael Twigg, RA
Department of Conservation and Natural Resources
Bureau of Facility Design and Construction

Mailing Address: Street Address:
P.O. Box 8451 400 Market Street, 8th Floor
Harrisburg, PA 17105-8451 Harrisburg, PA 17101

E-mail: mtwigg@pa.gov

I-2 Purpose. The open-ended design services work will primarily be architectural in nature but will also include building related sites, civil, landscape, structural, mechanical, plumbing and electrical. It may occasionally include other related engineering work such as bridges, roadway, geotechnical, alternative energy and utility in-

frastructure. Project types may include new construction and renovation, alteration or addition to existing structures. Structure types cover a broad range of facilities typically found at State Parks and in State Forests and may include picnic pavilions, toilet facilities, shower houses, maintenance and storage buildings, visitor centers and State Park and State Forest District office and administration buildings.

Many of the projects may be for buildings less than 5,000 square feet in size and small in terms of project scope. Construction budgets for typical projects have ranged from as low as \$25,000 to as high as \$7 million. The average construction budget is likely to be less than \$2 million. Consultants should give strong consideration to the typical project size when submitting a proposal in response to this RFP.

The services anticipated under the contract may include project planning, scoping and programming; budget estimating; site visits; existing facility review, assessment and documenting; life cycle cost analysis; budget estimating; computer energy and daylight modeling; alternative energy analysis; environmental, historical and cultural clearances; conceptual design; design development; construction documentation including preparation of drawings and specifications; detailed cost estimating; alternatives cost analysis; utility coordination; permit preparation and submission; construction administration including construction submittal review and construction inspection; and existing building code and facility condition reviews. Permitting services may include Pennsylvania Uniform Construction Code building permits, Department of Environmental Protection Chapter 102 and 105 sanitary permits, public water supply permits, National Pollutant Discharge Elimination System permits, erosion and sedimentation control plans, water encroachment plans, storm water management plans and land development plans.

All work will be performed with a focus on environmentally sustainable design and construction principles and practices and climate change adaptation, mitigation and resiliency. All projects designed under this contract must achieve a high level of environmental performance, durability, energy and resource efficiency, and healthy indoor air quality through integrated design and sustainable practices, features, and technologies. Designs should implement financially feasible and technologically sound strategies to conserve energy and to surpass current norms for water conservation, waste management and recycling. Furthermore, the quality of the indoor environment (including quality of indoor air, light, acoustics and personal controllability of building systems) must be of primary consideration. Sustainability should be incorporated into the earliest design decisions. Projects may require certification through the LEED Green Building Rating system, Green Globes, Passive House or other similar certification programs.

Projects will be located throughout this Commonwealth. The Consultant will be required to travel to the project sites. The Department will make project assignments through individual Work Orders. The scope of the Work Order may range from full responsibility for all aspects of the design to a collaborative design effort with Department in-house staff where only one or more specific design disciplines are required. Work Orders may be for a single phase or portion of a project, such as conceptual

design, or for all phases of the entire project. The work shall be identified in the Work Order by a series of tasks that encompass the full scope of the project. The number and description of the tasks will vary based on a project's scope and complexity. A typical Work Order will require formal submissions at the end of the Sketch (10%), Preliminary (50%), Pre-Final (95%) and Final (100%) design stages. Complexity may require more or less submissions for certain projects. The Consultant will be required to develop and maintain a detailed project schedule showing all related project tasks including design phases, submissions, review periods and timelines for required permits. The project schedule shall identify the critical path for completion for the project. The Bureau will assign a Project Coordinator to each Work Order. The Project Coordinator may change from project to project. A Performance Review may be performed by the Project Coordinator at the completion of the Work Order and used in assigning additional projects to the Consultant.

The Department's standard contract method is multiple prime, design-bid-build, although other contract methods such as design-build or nonbid construction methods, including construction by Department staff and volunteer organizations, may be used. The Consultant will be required to prepare construction documents appropriate to the contract method selected by the Department.

The Consultant will be required to submit project data and documents in both written and electronic form. Drawings will be required to comply with the Department's CAD Standard. Three dimensional drawings will be expected throughout the design process, and presentation renderings may be required at the completion of design.

I-3 Qualifications. The Consultant shall have staff available to provide rapid services associated with assigned projects. The Consultant may be called upon to provide services on multiple projects at the same time. The Consultant shall have demonstrated knowledge of the building design and construction method.

The following minimum qualification will be required of all Consultants:

- Possess current professional registrations required to perform required services.
- Be licensed to conduct business in this Commonwealth.
- Have sufficient staff or subconsultants experienced in the various required services.
- Have an established quality control and assurance program, that includes all members of the design team including subconsultants, for checking documents for accuracy, consistency, coordination, quality and compliance with all necessary codes and regulations and Department standards.
- Have experience in the field of sustainable building design and a demonstrated ability to comprehensively integrate the concept of sustainability into the project.
- Have LEED certified designers as current members of staff and available for assigned projects.
- Have design capabilities in digital format (AutoCAD and Revit).
- Have the ability to produce three-dimensional drawings to further illustrate design intent.

I-4 Type of Contract. The type of contract as a result of this RFP shall be an open-end, requirements contract. Work shall be assigned on an as-needed basis as determined by the Department. Reimbursement for services shall be by either fixed fee percentage based upon project allocation or hours of service per task and qualifying expenses, and reimbursement type may vary from project to project. The reimbursement type shall be at the Department's discretion. Bureau staff will review and, when applicable, approve the work.

I-5 Small Diverse Business (SDB) and Veteran Business Enterprise (VBE) Information. For projects where the scope of the design work is estimated at \$400,000 or greater, the Department may include requirements regarding SDB or VBE participation through the setting of SDB and VBE participation goals. Those goals will be calculated for each individual Work Order based upon the scope of the design work and available SDB or VBE firms, but they will not be greater than 16% for SDB participation and 3% for VBE participation. SDB and VBE participation goals—and commitments made toward meeting those goals—will be calculated based upon the cost of the Work Order for that project. For a Consultant to be retained for the Work Order, the Consultant must agree to meet both project-specific goals in full or receive an approved waiver from the goals. Commitments to utilize SDBs and VBEs for a project will become contractual obligations of the Consultant for that Work Order.

Only those firms that have received a Department of General Services (DGS)-issued SDB or VBE verification as of the Work Order submittal date and time can be used towards meeting SDB and VBE participation goals. Because the SDB and VBE verification process can take up to six months and the Department anticipates that the response times for these projects may be very short, the Department encourages firms who may be eligible for SDB or VBE verification to begin the process immediately. Information regarding SDB or VBE verification is available at <https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Documents/Small%20Business%20Application%20Guide.pdf>.

Offerors can locate DGS-verified SDBs and VBEs within the Supplier Search database: <http://www.dgs.internet.state.pa.us/suppliersearch>.

Additional information regarding the SDB and VBE participation requirements will be provided along with each project scope.

I-6 Rejection of Proposals. The Issuing Office reserves the right, in its sole and complete discretion, to reject any proposal received as a result of this RFP.

I-7 Incurring Costs. The Issuing Office is not liable for any costs the Offeror incurs in preparation and submission of its proposal, in participating in the RFP process or in anticipation of award of the contract.

I-8 Questions and Answers. If an Offeror has any questions regarding this RFP, the Offeror must submit the questions by e-mail (with the subject line "Project Reference No. FDC-500-817 Question") to the Issuing Officer named in Part I, Section I-1 of this RFP. Questions must be submitted as individual questions. Questions must be submitted no later than 7 days prior to the

proposal response date. Offerors shall not attempt to contact the Issuing Officer for questions by any other means. All questions and responses are considered an addendum to, and part of, this RFP. The Issuing Office shall not be bound by any verbal information, nor shall it be bound by any written information that is not either contained within the RFP or formally issued by the Issuing Office. The Issuing Office does not consider questions to be a protest of the specifications or the solicitation.

I-9 *Addenda to the RFP*. If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the DCNR web site at <https://www.dcnr.pa.gov/Business/ConstructionBids/Pages/default.aspx>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP.

I-10 *Response Date*. To be considered for selection, electronic proposals must be submitted on or before the time and date specified. The Issuing Office will reject any late proposals.

I-11 *Notification of Selection*. The Department will notify offerors whose proposals are not selected when the Department has successfully completed contract negotiations and has received the final negotiated contract signed by the selected Offeror.

I-12 *Debriefing Conference*. The Department will not offer a debriefing session to the unsuccessful Offerors.

PART II PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal.

II-1 *Technical Submittal*. Proposals shall include the following items and information:

- A. Proposal Cover Sheet (Appendix A).
- B. A description of the Offeror's understanding of the Department's needs and the services required. This description shall include why and how the Offeror is qualified to provide these services.
- C. A description of the Offeror's project approach and methodology, including the approach to the managerial, technical and administrative aspects of the project. Describe how the scope, schedule, budget and quality of a project are managed and controlled. Address communication and coordination strategies internal to the design team, with sub-consultants, with the client, and with other outside agencies. Describe how an integrated design process is approached and has been used on past projects.
- D. A description of the Offeror's sustainable design experience, including specialized knowledge and expertise in as many of the following areas of sustainable design as possible: environmentally sound site design and planning, sustainability performance standards for energy efficiency, water efficiency, indoor air quality, environmentally sound materials, construction waste management and prevention, low maintenance design and materials. Include a description of how sustainable design is made an integral part of the Offeror's building design process.

E. A detailed description of the Offeror's quality control and assurance program, including how subconsultants are included in this program. Describe what steps are taken to assure accurate, fully coordinated construction documents. Provide the name of the person responsible for quality control and describe their qualifications to perform this task.

F. A description of the Offeror's qualifications to complete the required services. Include firm history and experience on similar projects. Describe the resources of the firm, including number/discipline of personnel, ability to respond to schedule acceleration, and the like. Include roles and experience of proposed subconsultants.

G. Resumes of personnel who will be involved in providing the services described in this RFP to the Department. Describe their relevant experience, years of experience, what roles they will fill in providing the required service, and percent of time they will be committing to Department-assigned projects. The resumes must include their Professional Education and Professional Registrations and Licenses. Provide resumes of subconsultant's personnel.

H. A description of the Offeror's ability to work on multiple projects of various sizes at the same time.

I. A list of at least three of the Offeror's most recent completed projects similar to the projects anticipated under the contract. In addition to photographs and a descriptive narrative, the list shall include the client, contact person and contact information, the completion date, the estimated or actual total construction cost, the estimated or actual construction cost of the portion of the work which the firm designed, the firm's Project Manager, and the names of all of the firm's personnel who made contributions to the project. If the Offeror has experience with LEED projects, at least one LEED project should be added to the list. In addition to the previously listed information, a summary of the sustainable features, the LEED rating achieved, and a description of the integrated design process shall accompany the LEED project.

J. A standard Design Professional Selection Application for Professional Services Form (Appendix B), indicating the individual in charge. Additional information pertinent to the Offeror's qualifications to do the work of this contract may be included on this form.

II-2 *Proposal Submission*. To be considered, Offerors must submit their proposals electronically on a CD, DVD or Flash Drive in PDF format. The CD, DVD or Flash drive must clearly identify the Offeror and include the name and version number of the virus scanning software that was used to scan the CD, DVD or Flash drive before it was submitted.

Proposals must be signed by an official who is authorized to bind the Offeror to its provisions.

Offerors must submit a complete proposal. Failure to include any of the required information or forms will delay evaluation of the proposal and may, at the Commonwealth's sole discretion, result in its rejection.

Proposals must be submitted in a sealed envelope with the words "Proposal" printed boldly on the front of the envelope. Also show the following information on the front of the envelope: Project Reference No. FDC-500-817, Due Date—June 30, 2021.

Proposals must be submitted to the address of the Issuing Office indicated in Part I, Section I-1 of this RFP.

Proposals must be received in the Issuing Office no later than 4 p.m. on June 30, 2021. Because the Rachel Carson State Office Building may be closed to the public on the date on which proposals must be received, the Department will only accept proposals by means of the United States Postal Service or delivery services, such as Federal Express or UPS. Note: The Department will not accept proposals that are delivered in person or by same day courier service. Therefore, Offerors should not attempt delivery through those methods.

Be advised that all mail is processed through a central processing location for the Commonwealth so Offerors must allow sufficient time for their proposals to arrive at the Issuing Office. It is therefore suggested that Offerors deliver their proposals through an overnight delivery service so that the time and date of delivery is recorded. This will ensure that a proposal received at the central processing location on or before the date on which proposals must be received will be considered timely received. However, even if overnight delivery is used, the Offeror is still responsible for ensuring that its proposal is received by the date and location specified. A proposal that is not received on time will result in the proposal being rejected as late and returned to the Offeror unopened.

II-3 *Offeror's Representations and Authorizations.* By submitting its proposal, each Offeror understands, represents and acknowledges that:

A. All of the Offeror's information and representations in the proposal are material and important, and the Issuing Office may rely upon the contents of the proposal in awarding the contracts. The Commonwealth shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts relating to the Proposal submission, punishable under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

B. The Offeror has not attempted, nor will it attempt, to induce any firm or person to refrain from submitting a proposal on this contract.

C. The Offeror makes its proposal in good faith and not under any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal.

D. To the best knowledge of the person signing the proposal for the Offeror, the Offeror, its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last 4 years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as the Offeror has disclosed in its proposal.

E. To the best of the knowledge of the person signing the proposal for the Offeror and except as the Offeror has otherwise disclosed in its proposal, the Offeror has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any State tax liability not being contested on appeal or other obligation of the Offeror that is owed to the Commonwealth.

F. The Offeror is not currently under suspension or debarment by the Commonwealth, any other state or the Federal government, and if the Offeror cannot so certify, then it shall submit along with its proposal a written explanation of why it cannot make such certification.

G. The Offeror has not made, under separate contract with the Issuing Office, any recommendations to the Issuing Office concerning the need for the services described in its proposal or the specifications for the services described in the proposal.

H. Each Offeror, by submitting its proposal, authorizes Commonwealth agencies to release to the Commonwealth information concerning the Offeror's Pennsylvania taxes, unemployment compensation and workers' compensation liabilities.

I. Until the selected Offeror receives a fully executed and approved written contract from the Issuing Office, there is no legal and valid contract, in law or in equity, and the Offeror shall not begin to perform.

J. The Offeror is not currently engaged and will not during the duration of the contract engage, in a boycott of a person or an entity based in or doing business with a jurisdiction which the Commonwealth is not prohibited by Congressional statute from engaging in trade or commerce.

PART III SELECTION AND AWARD

III-1 *Selection Criteria.* The Department will evaluate proposals based on the following criteria:

A. Consultant's and subconsultant's experience on past projects of similar scope, type and size.

B. Consultant's staff qualifications, experience, and ability to perform the required services, including available manpower to perform the required services. This includes the qualifications, experience and abilities of subconsultant's staff.

C. Consultant's understanding of the problem and the services required.

D. Consultant's project approach and methodology.

E. Knowledge and experience with environmentally sustainable design and LEED accreditation.

F. Quality Control and assurance program and procedures.

G. Equitable distribution of contracts.

III-2 *Final Ranking and Award.* The Issuing Office will rank responsible Offerors according to the total overall score assigned to each, in descending order. It is the intent of the Department to select more than one Offeror for projects to be assigned on a regional basis. The Issuing Office has the discretion to reject all proposals or cancel this RFP at any time prior to the time a contract is fully executed when it is in the best interests of the Commonwealth. The reasons for the rejection or cancellation shall be made part of the contract file.

CINDY ADAMS DUNN,
Secretary

APPENDIX A – PROPOSAL COVER SHEET

Project No. FDC 500-817

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
PROJECT REFERENCE NO. FDC-500-817**

OFFEROR INFORMATION	
Offeror Name	
Offeror Mailing Address	
Offeror Website	
Offeror Contact Person	
Contact Person’s Phone Number	
Contact Person’s E-Mail Address	
Offeror SAP/SRM Vendor Number	

Electronic Submittal Enclosed	Virus Scan Name & Version:	
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CONTENT CHECKLIST	
	Proposal Cover Sheet (Appendix A)
	Description of the Offeror’s understanding of the Department’s needs and the services required.
	Description of the Offeror’s project approach and methodology.
	Description of the Offeror’s sustainable design experience.
	Description of the Offeror’s quality control and assurance program.
	Description of the Offeror’s qualifications to complete the required services.
	Resumes of personnel who will be involved in providing the services described.
	Description of the Offeror’s ability to work on multiple projects.
	List of at least three of the Offeror’s most recent completed projects similar to the projects anticipated under the contract.
	Design Professional Selection Application for Professional Services Form (Appendix B)

SIGNATURE	
Signature of an official authorized to bind the Offeror to the provisions contained in the Offeror’s proposal	
Printed Name	
Title	

FAILURE TO COMPLETE, SIGN AND RETURN THIS FORM WITH THE OFFEROR’S PROPOSAL MAY RESULT IN THE REJECTION OF THE OFFEROR’S PROPOSAL.



COMMONWEALTH OF PENNSYLVANIA
BUREAU OF FACILITY DESIGN AND CONSTRUCTION

APPENDIX B

DESIGN PROFESSIONAL SELECTION APPLICATION FOR PROFESSIONAL SERVICES

Section 1 - Project Information

PROJECT NUMBER: FDC-500-817 PROJECT TITLE: Retention of Design Professional Firms

Section 2 - Firm General Information

FIRM NAME: SAP NUMBER:

PREDECESSOR FIRM(S) AND/OR ADDITIONAL OPERATIONAL NAMES (within 5 years):

CONTACT PERSON: TITLE: E-MAIL ADDRESS:

STREET ADDRESS: CITY/STATE: ZIP CODE:

PHONE NUMBER: COUNTY: TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES: NUMBER OF EMPLOYEES ASSIGNED AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK:

ADDRESS OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK: FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: YES NO

DGS SELF-CERTIFIED SMALL BUSINESS: YES NO DGS VERIFIED SMALL DIVERSE BUSINESS: YES NO

TYPE OF FIRM (Indicate all that apply): ARCHITECT ENGINEER ARCHITECT/ENGINEER ENGINEER/ARCHITECT JV OTHER (If Other, please specify):

Section 3 - Design Team Information

LIST SUBCONSULTANTS WHO WILL BE RETAINED IN THE DESIGN PROCESS

FIRM NAME: LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK:

NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years): TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years):

DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT:

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (Maximum of Three):

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: YES NO TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES:

NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK: LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK:

TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK:

DGS SELF-CERTIFIED SMALL BUSINESS: YES NO DGS VERIFIED SMALL DIVERSE BUSINESS: YES NO

TYPE OF FIRM (Indicate all that apply): ARCHITECT ENGINEER ARCHITECT/ENGINEER ENGINEER/ARCHITECT JV OTHER (If Other, please specify):



COMMONWEALTH OF PENNSYLVANIA
BUREAU OF FACILITY DESIGN AND CONSTRUCTION

LIST SUBCONSULTANTS WHO WILL BE RETAINED IN THE DESIGN PROCESS (CONTINUED)

FIRM NAME:	LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK:
NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years):	TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years):
DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT:	

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (maximum of three):

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: <input type="checkbox"/> YES <input type="checkbox"/> NO	TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES:
NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK:
TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	
DGS SELF-CERTIFIED SMALL BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO	DGS VERIFIED SMALL DIVERSE BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO
TYPE OF FIRM (Indicate all that apply): <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> ARCHITECT/ENGINEER <input type="checkbox"/> ENGINEER/ARCHITECT <input type="checkbox"/> JV <input type="checkbox"/> OTHER (If Other, please specify):	

FIRM NAME:	LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK:
NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years):	TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years):
DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT:	

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (maximum of three):

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: <input type="checkbox"/> YES <input type="checkbox"/> NO	TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES:
NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK:
TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	
DGS SELF-CERTIFIED SMALL BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO	DGS VERIFIED SMALL DIVERSE BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO
TYPE OF FIRM (Indicate all that apply): <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> ARCHITECT/ENGINEER <input type="checkbox"/> ENGINEER/ARCHITECT <input type="checkbox"/> JV <input type="checkbox"/> OTHER (If Other, please specify):	



COMMONWEALTH OF PENNSYLVANIA
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LIST SUBCONSULTANTS WHO WILL BE RETAINED IN THE DESIGN PROCESS (CONTINUED)

FIRM NAME: _____ LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK: _____

NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years): _____ TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years): _____

DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT: _____

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (maximum of three): _____

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: YES NO TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES: _____

NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK: _____ LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK: _____

TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK: _____

DGS SELF-CERTIFIED SMALL BUSINESS: YES NO DGS VERIFIED SMALL DIVERSE BUSINESS: YES NO

TYPE OF FIRM (Indicate all that apply): ARCHITECT ENGINEER ARCHITECT/ENGINEER ENGINEER/ARCHITECT JV OTHER (If Other, please specify): _____

FIRM NAME: _____ LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK: _____

NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years): _____ TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years): _____

DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT: _____

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (maximum of three): _____

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: YES NO TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES: _____

NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK: _____ LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK: _____

TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK: _____

DGS SELF-CERTIFIED SMALL BUSINESS: YES NO DGS VERIFIED SMALL DIVERSE BUSINESS: YES NO

TYPE OF FIRM (Indicate all that apply): ARCHITECT ENGINEER ARCHITECT/ENGINEER ENGINEER/ARCHITECT JV OTHER (If Other, please specify): _____



COMMONWEALTH OF PENNSYLVANIA
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Section 4 - Key Personnel

LIST INDIVIDUALS FOR BOTH THE FIRM AND SUBCONSULTING FIRMS WHO WILL BE RESPONSIBLE FOR LEADING THE DESIGN OF THIS PROJECT. ANYONE WITH A PENNSYLVANIA PROFESSIONAL REGISTRATION MUST COMPLETE THE REGISTRATION INFORMATION; IF NOT REGISTERED IN PA, INDICATE STATE(S) IN WHICH THEY ARE REGISTERED.

NAME: FIRM:

REGISTRATION #: REGISTRATION EXPIRATION:

OFFICE LOCATION WHILE ON THIS PROJECT: NUMBER OF YEARS EMPLOYED BY FIRM: TOTAL NUMBER OF YEARS LICENSED:

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT:

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS:

SPECIALTY/DISCIPLINE:

DEGREE/CERTIFICATION: YEAR GRADUATED: INSTITUTION:

NAME: FIRM:

REGISTRATION #: REGISTRATION EXPIRATION:

OFFICE LOCATION WHILE ON THIS PROJECT: NUMBER OF YEARS EMPLOYED BY FIRM: TOTAL NUMBER OF YEARS LICENSED:

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT:

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS:

SPECIALTY/DISCIPLINE:

DEGREE/CERTIFICATION: YEAR GRADUATED: INSTITUTION:

NAME: FIRM:

REGISTRATION #: REGISTRATION EXPIRATION:

OFFICE LOCATION WHILE ON THIS PROJECT: NUMBER OF YEARS EMPLOYED BY FIRM: TOTAL NUMBER OF YEARS LICENSED:

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT:

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS:

SPECIALTY/DISCIPLINE:

DEGREE/CERTIFICATION: YEAR GRADUATED: INSTITUTION:



COMMONWEALTH OF PENNSYLVANIA
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LIST INDIVIDUALS FOR BOTH THE FIRM AND SUBCONSULTING FIRMS WHO WILL BE RESPONSIBLE FOR LEADING THE DESIGN OF THIS PROJECT. ANYONE WITH A PENNSYLVANIA PROFESSIONAL REGISTRATION MUST COMPLETE THE REGISTRATION INFORMATION; IF NOT REGISTERED IN PA, INDICATE STATE(S) IN WHICH THEY ARE REGISTERED.

NAME: FIRM:

REGISTRATION #: REGISTRATION EXPIRATION:

OFFICE LOCATION WHILE ON THIS PROJECT: NUMBER OF YEARS EMPLOYED BY FIRM: TOTAL NUMBER OF YEARS LICENSED:

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT:

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS:

SPECIALTY/DISCIPLINE:

DEGREE/CERTIFICATION: YEAR GRADUATED: INSTITUTION:

NAME: FIRM:

REGISTRATION #: REGISTRATION EXPIRATION:

OFFICE LOCATION WHILE ON THIS PROJECT: NUMBER OF YEARS EMPLOYED BY FIRM: TOTAL NUMBER OF YEARS LICENSED:

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT:

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS:

SPECIALTY/DISCIPLINE:

DEGREE/CERTIFICATION: YEAR GRADUATED: INSTITUTION:

NAME: FIRM:

REGISTRATION #: REGISTRATION EXPIRATION:

OFFICE LOCATION WHILE ON THIS PROJECT: NUMBER OF YEARS EMPLOYED BY FIRM: TOTAL NUMBER OF YEARS LICENSED:

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT:

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS:

SPECIALTY/DISCIPLINE:

DEGREE/CERTIFICATION: YEAR GRADUATED: INSTITUTION:



COMMONWEALTH OF PENNSYLVANIA
BUREAU OF FACILITY DESIGN AND CONSTRUCTION

Section 5 - Firm's Recent Commonwealth Project Experience (Active and Complete)

LIST ALL OTHER RELEVANT COMMONWEALTH PROJECTS WITHIN THE LAST 5 YEARS

PROJECT NUMBER	PROJECT TITLE	BID TYPE (Low Bid/Best Value, etc.)	TOTAL PROJECT DESIGN FEE	AGENCY/ INSTITUTION	STATUS
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COMMONWEALTH OF PENNSYLVANIA
BUREAU OF FACILITY DESIGN AND CONSTRUCTION

Section 6 - Relevant Experience

DESCRIBE UP TO 3 PROJECTS, COMPLETED WITHIN THE LAST 10 YEARS, FOR ANY TYPE OF CLIENT THAT BEST ILLUSTRATES YOUR FIRM'S QUALIFICATIONS TO DESIGN THIS SPECIFIC PROJECT. DO NOT LIST PROJECTS PERFORMED ONLY BY SUBCONSULTANTS.

PROJECT NAME: _____

LOCATION: _____ CLIENT NAME: _____

SERVICES PERFORMED BY THE FIRM ON THIS PROJECT. DIFFERENTIATE BETWEEN WORK COMPLETED AS A SUBCONSULTANT TO ANOTHER FIRM AND WORK PERFORMED AS THE LEAD DESIGN FIRM:

PROJECT DESCRIPTION:

CONSTRUCTION COMPLETION DATE/STATUS: _____

TOTAL AWARDED CONSTRUCTION CONTRACTS: \$ _____ TOTAL FINAL CONSTRUCTION CONTRACTS: \$ _____

CLIENT CONTACT NAME: _____ TITLE: _____

CONTACT TELEPHONE NUMBER: _____ CONTACT E-MAIL ADDRESS: _____

COMMENTS: _____

PROJECT NAME: _____

LOCATION: _____ CLIENT NAME: _____

SERVICES PERFORMED BY THE FIRM ON THIS PROJECT. DIFFERENTIATE BETWEEN WORK COMPLETED AS A SUBCONSULTANT TO ANOTHER FIRM AND WORK PERFORMED AS THE LEAD DESIGN FIRM:

PROJECT DESCRIPTION:

CONSTRUCTION COMPLETION DATE/STATUS: _____

TOTAL AWARDED CONSTRUCTION CONTRACTS: \$ _____ TOTAL FINAL CONSTRUCTION CONTRACTS: \$ _____

CLIENT CONTACT NAME: _____ TITLE: _____

CONTACT TELEPHONE NUMBER: _____ CONTACT E-MAIL ADDRESS: _____

COMMENTS: _____

PROJECT NAME: _____

LOCATION: _____ CLIENT NAME: _____

SERVICES PERFORMED BY THE FIRM ON THIS PROJECT. DIFFERENTIATE BETWEEN WORK COMPLETED AS A SUBCONSULTANT TO ANOTHER FIRM AND WORK PERFORMED AS THE LEAD DESIGN FIRM:

PROJECT DESCRIPTION:

CONSTRUCTION COMPLETION DATE/STATUS: _____

TOTAL AWARDED CONSTRUCTION CONTRACTS: \$ _____ TOTAL FINAL CONSTRUCTION CONTRACTS: \$ _____

CLIENT CONTACT NAME: _____ TITLE: _____

CONTACT TELEPHONE NUMBER: _____ CONTACT E-MAIL ADDRESS: _____

COMMENTS: _____



COMMONWEALTH OF PENNSYLVANIA
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Section 7 - Other Relevant Information

YOU MAY USE THIS SPACE TO PROVIDE ANY ADDITIONAL COMMENTS OR DESCRIPTIONS OF RELEVANT INFORMATION SUPPORTING YOUR QUALIFICATIONS.



COMMONWEALTH OF PENNSYLVANIA
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CERTIFICATION AND SIGNATURE

My Firm believes we have the qualifications and capacity to provide professional services for the project identified in Section 1 on Page 1. All of the information set forth on this form is accurate and true as of this date.

1. The Firm consents to the evaluation of its performance by the Department and understands that any such evaluation may be used in future selections. Furthermore, the Firm has notified our Subconsultants that their performance will be evaluated and they have consented to this evaluation; and
2. To the best knowledge of the person signing this form, the Firm, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four(4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as disclosed on this form; and
3. To the best of the knowledge of the person signing this, the Firm, except as otherwise disclosed, has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the Firm that is owed to the Commonwealth; and
4. The Firm is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government; and
5. The Firm has not, under separate contract with DCNR or any other agency, made any recommendations to DCNR or any other agency concerning the need for the services described for this project; and
6. The Firm, by submitting this form, authorizes all Commonwealth agencies to release to the Commonwealth information related to liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers' compensation liabilities; and
7. Until the Firm receives a fully executed contract from DCNR there is no legal and valid contract, in law or in equity.

I state that _____ (Name of Firm) submits this form and understands and acknowledges that the above representations are material and important, and will be relied upon by the Selections Committee and the Department of Conservation and Natural Resources in determining whether my Firm is selected for a design contract with the Commonwealth. I understand and my Firm understands that any written false statement in this application which we do not believe to be true is and shall be treated as fraudulent concealment from the Selections Committee and the Department of Conservation and Natural Resources of the true facts relating to the submission of this application. A misrepresentation shall be punishable under 18 Pa. C.S. § 4904.

Business is an Individual or General Partnership:		
Witness:	Owner:	Date:
Business is a Limited Partnership:		
Witness:	Owner:	Date:
Business is a Corporation:		
Witness:	Owner:	Date:
Business is a Limited Liability Company:		
Witness:	Owner:	Date:
Business is a Limited Liability Partnership:		
Witness:	Owner:	Date:
Business is a Foreign General Partnership:		
Witness:	Owner:	Date:
Business is a Joint Venture:		
Witness:	Owner:	Date:
Witness:	Owner:	Date:

[Pa.B. Doc. No. 21-805. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee WebEx Meeting

A WebEx meeting of the Snowmobile and ATV Advisory Committee (Committee) to the Department of Conservation and Natural Resources (Department) will be held on Thursday, May 27, 2021, from 10 a.m. to 12 p.m. The WebEx meeting can be accessed through a link found on the Committee's web site prior to the WebEx meeting at www.dcnr.pa.gov/SnowmobileATVAdvisoryCouncil.

Questions concerning this WebEx meeting or agenda items can be directed to Jake Newton, Advisor, Snowmo-

bile and ATV Advisory Committee at (717) 783-3349. Those wishing to participate during the public comment section are encouraged to submit their comments in writing to janewton@pa.gov.

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

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 21-806. Filed for public inspection May 21, 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 discussed previously.

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: 884.826.5472. 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 AT&T Hamilton 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>
6203201	Industrial Waste Individual WQM Permit	Transfer	Trogon Development LLC P.O. Box 1636 Canovanas, PR 007291636	Conewango Township Warren County	NWRO
6274203	Industrial Waste Individual WQM Permit	Transfer	Trogon Development LLC P.O. Box 1636 Canovanas, PR 007291636	Conewango Township Warren County	NWRO
0921806	Joint DEP/PFBC Pesticides Permit	New	Stieg Bill 3655 Bristol Road Doylestown, PA 18901-7043	Doylestown Township Bucks County	SERO
0921808	Joint DEP/PFBC Pesticides Permit	New	Rutkowski Tami 950 Town Center Drive Langhorne, PA 19047-1866	Bensalem Township Bucks County	SERO
0921811	Joint DEP/PFBC Pesticides Permit	New	Wieder Mike 166 Bunker Road Ottsville, PA 18942	Tinicum Township Bucks County	SERO

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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>
3513807	Joint DEP/PFBC Pesticides Permit	Amendment	Big Bass Lakes Comm Association P.O. Box 113 Gouldsboro, PA 18424-0113	Clifton Township Lackawanna County	NERO
3515804	Joint DEP/PFBC Pesticides Permit	Renewal	Lake Loretta Sportsmans Club 51 Loretta Drive Jefferson Township, PA 18436-5025	Jefferson Township Lackawanna County	NERO
3721802	Joint DEP/PFBC Pesticides Permit	New	John L Drespling 424 Stonehouse Lane Volant, PA 16156-6632	Hickory Township Lawrence County	NWRO
3914801	Joint DEP/PFBC Pesticides Permit	Renewal	Brookside Country Club 901 Willow Lane Macungie, PA 18062-9328	Macungie Borough Lehigh County	NERO
3921802	Joint DEP/PFBC Pesticides Permit	New	Parkland Preserve at Highgate 2045 Westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
3921803	Joint DEP/PFBC Pesticides Permit	New	Parkland Preserve at Highgate 2045 Westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
3921804	Joint DEP/PFBC Pesticides Permit	New	Parkland Preserve at Highgate 2045 Westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
3921805	Joint DEP/PFBC Pesticides Permit	New	Parkland Preserve at Highgate 2045westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
3921806	Joint DEP/PFBC Pesticides Permit	New	Parkland Preserve at Highgate 2045 Westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
4021801	Joint DEP/PFBC Pesticides Permit	New	Fox Tim 981 Grant Street Hazelton, PA 18201	Butler Township Luzerne County	NERO
4021802	Joint DEP/PFBC Pesticides Permit	New	American Legion Post Mt # 781 1550 Henry Drive Mt Top, PA 18707	Rice Township Luzerne County	NERO
4513805	Joint DEP/PFBC Pesticides Permit	Amendment	Meadow Lake Fishing Club 312 Wrangler Road East Stroudsburg, PA 18302-9557	Middle Smithfield Township Monroe County	NERO
4513830	Joint DEP/PFBC Pesticides Permit	Amendment	Saylors Lake Fishing Association P.O. Box 337 Saylorsburg, PA 18353-0337	Hamilton Township Monroe County	NERO
4514804	Joint DEP/PFBC Pesticides Permit	Renewal	Pocono Highlands Lake Estates P.O. Box 24 Analomink, PA 18320-0024	Middle Smithfield Township Monroe 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>
4514805	Joint DEP/PFBC Pesticides Permit	Renewal	Pocono Highlands Lake Estates P.O. Box 24 Analomink, PA 18320-0024	Middle Smithfield Township Monroe County	NERO
4515806	Joint DEP/PFBC Pesticides Permit	Renewal	Robinwood Village HOA 323 W Windsor Road Saylorsburg, PA 18353-8702	Chestnuthill Township Monroe County	NERO
4515807	Joint DEP/PFBC Pesticides Permit	Renewal	Coleman Don 177 Woodhill Road Newtown, PA 18940-2509	Barrett Township Monroe County	NERO
4616817	Joint DEP/PFBC Pesticides Permit	Renewal	Spring Ford Country Club 48 Country Club Road Royersford, PA 19468-1517	Limerick Township Montgomery County	SERO
4820802	Joint DEP/PFBC Pesticides Permit	Amendment	Szapka Casimir 1325 Granger Road Northampton, PA 18067	Allen Township Northampton County	NERO
4821802	Joint DEP/PFBC Pesticides Permit	New	Traditions of America Bridle Path HOA 2600 Presidential Boulevard Bethlehem, PA 18017-7724	Hanover Township Northampton County	NERO
4821803	Joint DEP/PFBC Pesticides Permit	New	Traditions of America Bridle Path HOA 2600 Presidential Boulevard Bethlehem, PA 18017-7724	Hanover Township Northampton County	NERO
5816803	Joint DEP/PFBC Pesticides Permit	Renewal	Dream Lake Homeowners 2192 School Road New Milford, PA 18834-7599	Harford Township Susquehanna County	NERO
6119811	Joint DEP/PFBC Pesticides Permit	New	Andrew Baron 174 Pioneer Road Franklin, PA 16323	Sandycreek Township Venango County	NWRO
6414807	Joint DEP/PFBC Pesticides Permit	Renewal	Camp Watonka P.O. Box 127 Hawley, PA 18428	Palmyra Township Wayne County	NERO
6421801	Joint DEP/PFBC Pesticides Permit	New	Piotrowski Joseph 33 Eisenhauer Road Lake Ariel, PA 18436-4038	Salem Township Wayne County	NERO
6421802	Joint DEP/PFBC Pesticides Permit	New	Wood Michael 23 Log Cabin Lane Milanville, PA 18443	Damascus Township Wayne County	NERO
5021201	Manure Storage Facilities Individual WQM Permit	New	Bower Logan M 2675 Conococheague Road Blain, PA 17006-6229	Jackson Township Perry County	SCRO
PA0005053	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Transfer	Trogon Development LLC P.O. Box 1636 Canovanans, PA 00729-1636	Conewango Township Warren County	NWRO
PA0050016	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Transfer	Optinova Valley Forge Inc. 435 School Lane Plymouth Meeting, PA 19462-2744	Plymouth Township Montgomery County	SERO
NNOEXSC14	No Exposure Certification	Renewal	Maple Press Co. P.O. Box 2695 York, PA 17405-2695	Manchester Township York County	SCRO
NOEX14002	No Exposure Certification	Renewal	General Electric 404 Union Boulevard Allentown, PA 18109-3228	Allentown City Lehigh 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>
NOEXNW002	No Exposure Certification	Renewal	Jm Smucker LLC 300 Keck Avenue New Bethlehem, PA 16242-1151	New Bethlehem Borough Clarion County	NWRO
NOEXNW013	No Exposure Certification	Renewal	Specialty Fabrication & Powder Coating LLC 455 Allegheny Boulevard Franklin, PA 16323-6209	Cornplanter Township Venango County	NWRO
NOEXNW215	No Exposure Certification	New	Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108-0842	Millcreek Township Erie County	NWRO
NOEXSC147	No Exposure Certification	Renewal	Electro Space Fabricators Inc. 300 W High Street Topton, PA 19562-1420	Topton Borough Berks County	SCRO
NOEXSC365	No Exposure Certification	New	XPO Worldwide Logistics 6111 Grayson Road Harrisburg, PA 17111-3385	Swatara Township Dauphin County	SCRO
NOEXSW043	No Exposure Certification	New	Southwestern PA Water Authority P.O. Box 187 Jefferson, PA 15344-0187	Franklin Township Greene County	SWRO
PAG033640	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Curry Rail Services 7324 Woodbury Pike Roaring Spring, PA 16673-2258	Frankstown Township Blair County	SCRO
PAG033651	PAG-03 NPDES General Permit for Industrial Stormwater	New	Cargill Inc. 320 N 16th Street Lebanon, PA 17046-4511	Lebanon City Lebanon County	SCRO
PAG034847	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Nextier Completion Solutions Inc. 3990 Rogerdale Road Houston, TX 77042-5142	Charleston Township Tioga County	NCRO
PAR218327	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Koda Holdings LLC 560 Branchton Road Slippery Rock, PA 16057-3216	Slippery Rock Township Butler County	NWRO
PAR233510	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	WR Grace & Co. Conn dba 2858 Back Vail Road Tyrone, PA 16686-8100	Tyrone Borough Blair County	SCRO
PAG123507	PAG-12 NPDES General Permit for CAFOs	Renewal	Loht Kenneth K 199 Road Apple Drive McClure, PA 17841-8604	Decatur Township Mifflin County	SCRO
PAG123703	PAG-12 NPDES General Permit for CAFOs	Renewal	Stone Chimney Farms LLC 3449 Delta Road Airville, PA 17302-9331	Lower Chanceford Township York County	SCRO
PAG123759	PAG-12 NPDES General Permit for CAFOs	Renewal	Sweigart III David W 189 Ridge View Road S Elizabethtown, PA 17022	Mount Joy Township Lancaster County	SCRO
PAG123825	PAG-12 NPDES General Permit for CAFOs	Renewal	Rotz Milton 1015 Heritage Avenue Shippensburg, PA 17257-9267	Greene Township Franklin County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG123840	PAG-12 NPDES General Permit for CAFOs	Renewal	Bellaire Farms LLC 225 Oberholtzer Road Elizabethtown, PA 17022-9585	Mount Joy Borough Lancaster County	SCRO
PAG123891	PAG-12 NPDES General Permit for CAFOs	Renewal	S & J Farms LLC 6470 Park Road Orrstown, PA 17244-9669	Lurgan Township Franklin County	SCRO
PAG123898	PAG-12 NPDES General Permit for CAFOs	Renewal	Mountain View Swine Farms 411 Chestnut Street Lebanon, PA 17042-6142	Bethel Township Berks County	SCRO
PAG123903	PAG-12 NPDES General Permit for CAFOs	Renewal	Schwalm Daniel & Schwalm James 351 Bastian Road Halifax, PA 17032	Jackson Township Dauphin County	SCRO
PAG123915	PAG-12 NPDES General Permit for CAFOs	New	Cedar Hill Poultry 120 Harbold-Altland Road Wellsville, PA 17365	Washington Township York County	SCRO
PAG124857	PAG-12 NPDES General Permit for CAFOs	Renewal	Gorrell Glenn 392 Wood Road Milan, PA 18831-7977	Smithfield Township Bradford County	SCRO
PA0276014	Pesticides Individual NPDES Permit	Amendment Minor	Lake Naomi Club Rte 423 P.O. Box T Pocono Pines, PA 18350	Tobyhanna Township Monroe County	NERO
1595411	Sewage Land Application Individual WQM Permit	Renewal	University of PA 382 W Street Road Kennett Square, PA 19348-1691	East Marlborough Township Chester County	SERO
0281461	Sewage Treatment Facilities Individual WQM Permit	Amendment	Allegheny County Comm College 800 Allegheny Avenue Pittsburgh, PA 15233-1804	North Fayette Township Allegheny County	SWRO
2021408	Sewage Treatment Facilities Individual WQM Permit	New	Mailliard Lisa P.O. Box 405 Cochranon, PA 16314-0405	Fairfield Township Crawford County	NWRO
2520421	Sewage Treatment Facilities Individual WQM Permit	Transfer	Hannah Lovell & Thomas Shorts 12220 Lakeview Drive Edinboro, PA 16412-1430	Washington Township Erie County	NWRO
2521409	Sewage Treatment Facilities Individual WQM Permit	New	Durst Kevin 256 Windswept Drive North East, PA 16428-3454	North East Township Erie County	NWRO
3121401	Sewage Treatment Facilities Individual WQM Permit	New	Buddy & Dorianne Murtiff 4721 Briggs Lane Alexandria, PA 16611	Morris Township Huntingdon County	SCRO
3604414	Sewage Treatment Facilities Individual WQM Permit	Amendment	Northwestern Lancaster County Authority 97 N Penryn Road Manheim, PA 17545-9326	Penn Township Lancaster County	SCRO
4200401	Sewage Treatment Facilities Individual WQM Permit	Transfer	Port Allegany Borough Municipal Authority 45 W Maple Street Port Allegany, PA 16743-1318	Port Allegany Borough McKean County	NWRO
4287402	Sewage Treatment Facilities Individual WQM Permit	Transfer	Port Allegany Borough Municipal Authority 45 W Maple Street Port Allegany, PA 16743-1318	Port Allegany Borough McKean County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4296403	Sewage Treatment Facilities Individual WQM Permit	Transfer	Port Allegany Borough Municipal Authority 45 W Maple Street Port Allegany, PA 16743-1318	Port Allegany Borough McKean County	NWRO
4321404	Sewage Treatment Facilities Individual WQM Permit	New	Barbara & William Burdette 1148 Hartford Road Sharpsville, PA 16150-9657	South Pymatuning Township Mercer County	NWRO
4373402	Sewage Treatment Facilities Individual WQM Permit	Amendment	Country Estates MHP LLC 378 Red Bank Road Mifflinburg, PA 17844-6801	Jefferson Township Mercer County	NWRO
4921401	Sewage Treatment Facilities Individual WQM Permit	New	Harris Jean 4165 State Route 54 Turbotville, PA 17772-8703	Lewis Township Northumberland County	NCRO
5214402	Sewage Treatment Facilities Individual WQM Permit	Amendment	Aqua Pennsylvania Wastewater Inc. 1 Aqua Way White Haven, PA 18661-1115	Lackawaxen Township Pike County	NERO
5621400	Sewage Treatment Facilities Individual WQM Permit	New	Indian Lake Borough Somerset County 7785 Lincoln Highway Central City, PA 15926-7500	Indian Lake Borough Somerset County	SWRO
6221404	Sewage Treatment Facilities Individual WQM Permit	New	Angela & James Maher 1313 Denniston Avenue Pittsburgh, PA 15217	Pittsfield Township Warren County	NWRO
6521401	Sewage Treatment Facilities Individual WQM Permit	Amendment	Yough School District 915 Lowber Road Herminie, PA 15637-1226	South Huntingdon Township Westmoreland County	SWRO
0219404	Sewer Extensions and Pump Stations Individual WQM Permit	Amendment	McCandless Township Sanitary Authority Allegheny County 418 W Arcadia Drive Pittsburgh, PA 15237-5506	Hampton Township Allegheny County	SWRO
0921401	Sewer Extensions and Pump Stations Individual WQM Permit	New	Bucks County Water & Sewer Authority 1275 Almshouse Road Warrington, PA 18976-1209	Doylestown Borough Bucks County	SERO
4621407	Sewer Extensions and Pump Stations Individual WQM Permit	New	Royersford Borough Montgomery County 300 Main Street Royersford, PA 19468-2313	Upper Providence Township Montgomery County	SERO
6521400	Sewer Extensions and Pump Stations Individual WQM Permit	New	Unity Township Municipal Authority Westmoreland County P.O. Box 88 Latrobe, PA 15650-0088	Latrobe Borough Westmoreland County	SWRO
6721401	Sewer Extensions and Pump Stations Individual WQM Permit	New	Shrewsbury Borough Municipal Authority 35 West Railroad Avenue Shrewsbury, PA 17361	Shrewsbury Township York County	SCRO
PA0288691	Single Residence STP Individual NPDES Permit	Transfer	Hannah Lovell & Thomas Shorts 12220 Lakeview Drive Edinboro, PA 16412-1430	Washington Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
WQG02022101	WQG-02 WQM General Permit	New	McCandless Township Sanitary Authority Allegheny County 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
WQG02162101	WQG-02 WQM General Permit	New	Redbank Valley Municipal Authority 243 Broad Street New Bethlehem, PA 16242-1001	Mahoning Township Armstrong County	NWRO

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

PA0233102, Industrial, SIC Code 2435, **Danzer Veneer Americas, Inc.**, 240 N Reach Road, Williamsport, PA 17701-9101. Facility Name: Danzer Veneer Americas. This proposed facility is located in City of Williamsport, **Lycoming County**.

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

The receiving stream(s), Unnamed Tributary of West Branch Susquehanna River (WWF, MF), is located in State Water Plan watershed 10-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 0.0282 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			InstMin			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.09	XXX	0.13
Aluminum, Total (ug/L)	0.18	0.21	XXX	750.0	886.0	886
Cadmium, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Copper, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Lead, Total (ug/L)	0.0006	0.001	XXX	2.72	4.24	6.79
Manganese, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Silver, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Acrolein (ug/L)	0.0007	0.0008	XXX	3.0	3.54	3.54
Acrylamide (ug/L)	0.00006	0.00009	XXX	0.24	0.38	0.61
1,3-Dichloropropylene (ug/L)	0.0003	0.0004	XXX	1.18	1.85	2.96
Carbon Tetrachloride (ug/L)	0.0002	0.0003	XXX	Report	Report	XXX
Chlorodibromomethane (ug/L)	0.0003	0.0005	XXX	0.8	1.25	2
1,1,2-Trichloroethane (ug/L)	Report	Report	XXX	Report	Report	XXX
1,2-Dichloroethane (ug/L)	0.0003	0.0005	XXX	1.32	2.06	3.31
Dibromochloromethane (ug/L)	0.0005	0.0007	XXX	1.91	2.99	4.79
1,1,2,2-Tetrachloroethane (ug/L)	0.0001	0.0002	XXX	0.59	0.92	1.48
Hexachlorobutadiene (ug/L)	0.0004	0.0006	XXX	1.53	2.39	3.83
Methyl Chloride (ug/L)	Report	Report	XXX	Report	Report	XXX
Tetrachloroethylene (ug/L)	Report	Report	XXX	Report	Report	XXX
Vinyl Chloride (ug/L)	0.00002	0.00003	XXX	0.087	0.14	0.22

The proposed monitoring requirements for Outfall 002 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
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Pentachlorophenol	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

PA0101290, Sewage, SIC Code 4952, **Sandy Township Clearfield County**, P.O. Box 267, DuBois, PA 15801-0267. Facility Name: Sandy Township Main Sewer System STP. This existing facility is located in Sandy Township, **Clearfield 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), Wolf Run (CWF), is located in State Water Plan watershed 17-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	21	33	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	25	38	XXX	30.0	45.0	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
Ammonia-Nitrogen	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	15.4	XXX	XXX	18.5	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0252468, Industrial, SIC Code 4941, **Kittanning Suburban Joint Water Authority**, 710 Tarrtown Road, Adrian, PA 16210-1220. Facility Name: Kittanning Suburban Joint Water Authority. This existing facility is located in East Franklin 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, an Unnamed Tributary to the Allegheny River (WWF), is located in State Water Plan watershed 17-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 0.0614 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Aluminum, Total	XXX	XXX	XXX	4.0	XXX	8.0
Iron, Total	XXX	XXX	XXX	2.0	XXX	4.0
Manganese, Total	XXX	XXX	XXX	1.0	XXX	2.0

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls
- Sedimentation Basin Cleaning

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.

PA0221554, Sewage, SIC Code 4952, 5039, **Bruce Wish Management LP**, 1605 Old Route 18, Wampum, PA 16157-3417. Facility Name: Gateway Commerce Center. This existing facility is located in New Beaver Borough, **Lawrence County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .0053 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report 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	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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.

PA0264300, Sewage, SIC Code 8800, **Travis M. Nosko**, 1944 Buxton Road, Titusville, PA 16354-7402. Facility Name: Travis M. Nosko SRSTP. This existing facility is located in Cherrytree Township, **Venango 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 Cherrytree Run (CWF), is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200.0	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.

PA0289272, Sewage, SIC Code 4952, 8800, **Craig & Mark Counselman**, 7621 Brainard Court, Mentor, OH 44060-3968. Facility Name: Craig & Mark Counselman SRSTP. This proposed facility is located in Harmony Township, **Forest 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), West Hickory Creek (CWF), is located in State Water Plan watershed 16-F and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0006 MGD.—Limits.

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0084123, Sewage, SIC Code 4952, **Penn Township Municipal Authority Perry County**, 100 Municipal Building Road, Duncannon, PA 17020-1130. Facility Name: Penn Township Kinkora STP. This existing facility is located in Penn Township, **Perry 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), Cove Creek (CWF, MF), is located in State Water Plan watershed 7-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 .015 MGD.—Limits.

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	3.1	5.0	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids	3.7	5.6	XXX	30	45	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
Ammonia-Nitrogen	2.1	XXX	XXX	Geo Mean		
May 1 - Oct 31				17.0	XXX	34

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0084701, Sewage, SIC Code 4952, **Penn Township Municipal Authority Perry County**, 102 Municipal Building Road, Duncannon, PA 17020-1130. Facility Name: Penn Township Cove STP. This existing facility is located in Penn Township, **Perry 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 Susquehanna River (WWF, MF), is located in State Water Plan watershed 7-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 .1 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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .1 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	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	XXX	0.06
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	8.3	12.5	XXX	10	15	20
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	25	37	XXX	30	45	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
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Ammonia-Nitrogen Nov 1 - Apr 30	5.0	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	1.6	XXX	XXX	2.0	XXX	4
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southeast Regional Office

PA0011657 A-2, Industrial, SIC Code 4961, **Vicinity Energy Philadelphia Inc.**, 2600 Christian Street, Philadelphia, PA 19146. Facility Name: Vicinity Energy Schuylkill Gen Station. This existing facility is located in Philadelphia City, **Philadelphia County**.

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

The receiving stream(s), Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 48.3 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Temperature (deg F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 001 are based on a design flow of 48.3 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F)	XXX	XXX	XXX	98	XXX	110
Heat Rejection Rate (MBTUs/day)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	100
Total Dissolved Solids	XXX	XXX	1,000.0 Avg Mo	2,000.0 Daily Max	XXX	2,500.0
Oil and Grease	XXX	XXX	XXX	15	20.0 Daily Max	30
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 101 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	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Oil and Grease	XXX	XXX	XXX	15.0	30.0	30

The proposed effluent limits for Outfall 201 are based on a design flow of stormwater.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 301 are based on a design flow of 47.77 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>Maximum</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids Effluent Net	XXX	XXX	XXX	30.0	60.0	75
Total Suspended Solids Intake	XXX	XXX	Report	Avg Mo Report	XXX	Report
Total Suspended Solids Oil and Grease	XXX	XXX	Report XXX	Report 15.0	XXX 30.0	Report 30

The proposed effluent limits for Outfall 401 are based on a design flow of 38.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	100
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

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

- I. Other Requirements
 - A. Property Rights
 - B. Sludge Disposal
 - C. BAT/BCT
 - D. No PCBs Discharge
 - E. Temperature Requirements
 - F. NCC below 12 MGD
 - G. New monitoring devices for Temperature
 - H. "Weekly Average" and "Monthly Average" terms
 - I. Limits for Heat Rejection Rate
- II. Heat Rejection Rate Limitations
- III. Chemical Additives
- IV. Requirements Applicable to Stormwater Outfalls
- V. PCB Requirements
- VI. Cooling Water Intake Structure

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

The EPA Waiver is not in effect.

PA0026182, Sewage, SIC Code 4952, **Lansdale Borough**, One Vine Street, Lansdale, PA 19446-3601. Facility Name: Lansdale Borough STP. This existing facility is located in Lansdale Borough, **Montgomery County**.

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

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

The proposed effluent limits for Outfall 001 are based on an annual average flow of 3.2 MGD and a maximum monthly flow of 4.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Inst Min 6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.013	XXX	0.043
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	826	1,238	XXX	22	33	44
Nov 1 - Apr 30					Wkly Avg	
May 1 - Oct 31	413	638	XXX	11	17	22
Raw Sewage Influent Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	1,126	1,689	XXX	30	45	60
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000*
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean	XXX	Report
Ultraviolet light transmittance (%) (from completion of construction through permit expiration date)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Nov 1 - Jun 30						
Jul 1 - Oct 31	356	XXX	XXX	9.5	XXX	19
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	169	XXX	XXX	4.5	XXX	9
Nov 1 - Apr 30						
May 1 - Oct 31	56	XXX	XXX	1.5	XXX	3
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	70	XXX	XXX	1.86	XXX	3.72
Nov 1 - Mar 31						
Apr 1 - Oct 31	35	XXX	XXX	0.93	XXX	1.86
Copper, Total	0.68	1.05	XXX	0.018	0.028	0.044
Iron, Dissolved	11.63	Daily Max 18.01	XXX	0.31	0.48	0.77
Iron, Total	57.80	Daily Max 90.10	XXX	1.54	2.4	3.84
Dichlorobromomethane (from permit effective date through completion of construction)	0.026	Daily Max 0.041	XXX	0.0007	0.0011	0.0017
Chloroform (from permit effective date through completion of construction)	0.263	Daily Max 0.413	XXX	0.007	0.011	0.018

*Shall not exceed in more than 10% of samples.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 3.2 MGD and a maximum monthly flow of 4.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	Report	XXX	XXX	1000.0	XXX	1500
	Avg Qrtly			Avg Qrtly		

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Boron, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Cyanide, Free	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Hardness, Total (as CaCO ₃)	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on an average combined sewer overflow—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on an average combined sewer overflow—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	Report Inst Min	XXX	XXX	Report
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	Report Daily Max	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

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

- A. No Stormwater to Sewers
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal

- D. Chlorine Optimization
- E. Small Stream Discharge
- F. Operator Notification
- G. Fecal Coliform Reporting
- H. Notification of UV System
- I. Combined Sewer Overflows
- J. Solids Management
- K. WET Requirement
- L. TRC Reporting
- M. Stormwater Outfalls Requirement

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

The EPA Waiver is not in effect.

PA0030970, Sewage, SIC Code 8221, **PA State System of Higher Ed Cheyney University**, P.O. Box 200, 1837 University Circle, Cheyney, PA 19319-0200. Facility Name: Cheyney University of PA. This existing facility is located in Thornbury Township, **Delaware 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), Chester Creek (TSF, MF), is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .27 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Influent	XXX	XXX	Inst Min XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	56.3	XXX	XXX	25.0	XXX	50
Total Suspended Solids Influent	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	67.6	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	16.8	XXX	XXX	7.5	XXX	15
Nov 1 - Apr 30						
May 1 - Oct 31	5.6	XXX	XXX	2.5	XXX	5
Total Phosphorus	4.5	XXX	XXX	2.0	XXX	4
Nov 1 - Mar 31						
Apr 1 - Oct 31	2.3	XXX	XXX	1.0	XXX	2
Copper, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .27 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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

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

- No Stormwater
- Acquire Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP When Municipal Sewers Available

- Notification of Designation of the Responsible Operator
- Remedial Measures if Unsatisfactory Effluent
- I-Max Requirements
- 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.

PA0245291, Sewage, SIC Code 4952, **Roth Robert**, 908 Kulp Rd, Perkiomenville, PA 18074. Facility Name: Robert Roth Property. This proposed facility is located in New Hanover Township, **Montgomery 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), Deep Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
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
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	XXX	Report	XXX	XXX

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

- AMR to DEP
- DMR to DEP if Attached
- 1/year Measure Depth of Septage and Scum
- Septic Tanks Pumped Once Every Three Years
- Total Residual Chlorine Requirement
- No Stormwater
- Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP when Municipal Sewers Available

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

PA0026824, Sewage, SIC Code 4952, **Clairton Municipal Authority**, 1 North State Street, Clairton, PA 15025-2172. Facility Name: Clairton Municipal Authority STP. This existing facility is located in Clairton City, **Allegheny 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), Peters Creek (TSF), is located in State Water Plan watershed 19-C 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 6.0 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

<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>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,250	1,875	XXX	25.0	37.5	50
Total Suspended Solids	1,500	2,250	XXX	30.0	45.0	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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 6.8 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.1	XXX	0.3
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,415	2,125	XXX	25.0	37.5	50
Nov 1 - Apr 30						
May 1 - Oct 31	680	1,020	XXX	12.0	18.0	24
Total Suspended Solids	1,700	2,550	XXX	30.0	45.0	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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	510	XXX	XXX	9.0	XXX	18
Nov 1 - Apr 30						
May 1 - Oct 31	170	XXX	XXX	3.0	XXX	6

The proposed effluent limits for Outfall 001 are based on design flows of 6.0 & 6.8 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						

The proposed effluent limits for Outfall 001 are based on design flows of 6.0 & 6.8 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not 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>
PAD150225	New	Kim Kranyecz 404 Cannon Court Chesterbrook, PA 19087	West Vincent Township Chester County	SERO
PAD150219	New	EB Mahoney Builders, Inc. Rick Patton 718 Lancaster Ave Bryn Mawr, PA 19010	Willistown Township Chester County	SERO
PAD230053	New	Monroe Energy, LLC Mark Schuck Trainer Refinery 4101 Post Road Trainer, PA 19061	Trainer Borough Marcus Hook Borough City of Chester Delaware County	SERO
PAD510018 A-1	Amendment and Renewal	Delaware Valley Recycling, Inc. P.O. Box 323 Skippack, PA 19474-0323	City of Philadelphia Philadelphia County	SERO
PAD480152	New	Joseph Correia, Triple Net Investments XIII, LP 171 State Route 173 Suite 201 Asbury, NJ 08802	Forks Township Northampton County	NERO
PAD480147	New	Steel Land, LLC Dave Spirk 8052 William Penn Hwy Easton, PA 18045	Lower Saucon Township Northampton County	NERO
PAD070019	New	Hopper Commons, LP 500 South Front Street 10th Floor Columbus, OH 43215	Frankstown Township Blair County	SCRO
PAD670055	New	Springettsbury Township 1501 Mount Zion Road York, PA 17402	Springettsbury Township York County	SCRO
PAD010011	New	Artillery Ridge Campground, LLC 610 Taneytown Road Gettysburg, PA 17325	Cumberland Township Adams County	SCRO
PAD040009	New	Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	Darlington Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAD630059	New	Glenn & Nicole Lynch 206 Hardwood Drive Venetia, PA 15367	Nottingham Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAD650029	New	Mark Drive, LLC One Monroeville Center Suite 1050 Monroeville, PA 15146	Salem Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271

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>
Clair Burkholder 316 Center Road Quarryville, PA 17566	Lancaster	328.1	804.06	Layers Steers Swine	HQ	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).

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

Permit No. 1421505, Major Public Water Supply.

Applicant	Unionville Borough 201 Allegheny Street Unionville, PA 16835
Borough	Unionville Borough
County	Centre
Responsible Official	John R. Segursky, P.E.
Type of Facility	Public Water Supply
Consulting Engineer	K. Alan Uhler, Jr., P.E. PLS Kerry A Uhler & Associates, Inc. 140 West Hight Street Bellefonte, PA 16823
Application Received Date	May 7, 2021
Description of Action	Construction of a new, grade-level, water-storage tank.

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 6321504, Public Water Supply.

Applicant	Donegal Township P.O. Box 310 34 N Liberty Street West Alexander Donegal Township, PA 15376
Township or Borough	Donegal Township

County	Washington
Responsible Official	Richard Fidler, Chairman
Type of Facility	Water system
Consulting Engineer	Senate Engineering Company 420 William Pitt Way Pittsburgh, PA 15238
Application Received Date	April 20, 2021
Description of Action	Installation of the Highland Avenue pump station.
Permit No. 0221516,	Public Water Supply.
Applicant	West View Water Authority 210 Perry Highway Pittsburgh, PA 15229
Borough or Township	City of Pittsburgh, Wexford, McKees Rocks, Bellevue, Kennedy Township & McCandless Township
County	Allegheny
Type of Facility	Water system
Consulting Engineer	Utility Service Co., Inc. 1230 Peachtree Street NE Suite 1100 Promenade, GA 30309
Application Received Date	April 14, 2021
Description of Action	Tank mixer installation in ten water storage tanks.

MINOR AMENDMENT

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.

Application No. 0221515MA, Minor Amendment.

Applicant	Pittsburgh Water and Sewer Authority 1200 Penn Avenue Pittsburgh, PA 15222
Township or Borough	City of Pittsburgh
County	Allegheny
Responsible Official	William Pickering, CEO
Type of Facility	Water system
Consulting Engineer	Johnson, Mirmiran & Thompson, Inc. 5313 Campbells Run Road Suite 100 Pittsburgh, PA 15205
Application Received Date	May 4, 2021
Description of Action	Replacement of approximately 4,200 feet of existing 50-inch diameter watermain within the Four Mile Run neighborhood of the City of Pittsburgh along the western edge of Schenley Park, near Panther Hollow Lake on the northern end of the project and in Four Mile Run Park, on the southern end of the project.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Groce-Brown Property, 1101 West Walnut Street, Allentown, PA 18102, Allentown City, **Lehigh County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Angela Groce-Brown, 615 North 23rd Street, Allentown, PA 18104, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an aboveground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Morning Call* on April 29, 2021.

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

411 Swedeland Road Quarry 3, 411 Swedeland Road, King of Prussia, PA 19406, Upper Merion Township and West Conshohocken Borough, **Montgomery County**. Mark Fortna, Penn Environmental and Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kevin Kyle, Innovation 411 Fee Owner, LLC, 201 King of Prussia Road, Suite 501, Radnor, PA 19087 submitted a Notice of Intent to Remediate. Soil at the site has been found to be impacted with lead. The site is intended to remain as an undeveloped portion of property. The proposed cleanup standard for the site is Statewide health standard. The Notice of Intent to Remediate was published in *The Times Herald* on April 2, 2021.

3701 Welsh Road, 3701 Welsh Road, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**. Douglas Sutton, Ph.D., PE, HGL, 9 Tanner Street, Suite 101, Haddonfield, NJ 08033 on behalf of Michael Rieders, Rushland Limited Partnership, 200 Welsh Road, Horsham, PA 19044 submitted a Notice of Intent to Remediate. Chlorinated solvents were detected in bedrock groundwater beneath the site. The proposed cleanup standard for the site is Statewide health standard. The Notice of Intent to Remediate was published in the *Times Chronicle* and *montgomerynews.com* on April 25, 2021.

2601 Poplar Street, 2601 Poplar Street, Philadelphia, PA 19130, City of Philadelphia, **Philadelphia County**. Andrew D. Miller, Ally Services Company, 1441 Anderson Avenue, Unit B, Oreland PA 19075 on behalf of Daniel Greenberg, 2601 Poplar O2 LLC, 1516 North 5th Street, Philadelphia PA 19121 submitted a Notice of Intent to Remediate. Soil has been contaminated with leaded/unleaded gasoline. The proposed future use of the property will be commercial/residential mixed-use. The proposed cleanup standard for the site is Statewide health standard. The Notice of Intent to Remediate was published in the *STAR Newspaper* on March 24, 2021.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit(s) Revoked under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

General Permit No. WMGM043SW001. Boyd Roll-Off Services, Inc., 1107 Thompson Avenue, McKees Rocks, PA 15136. A Determination of Applicability under general permit WMGM043 was issued on September 21, 2015 for the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials at 1107 Thompson Avenue, McKees Rocks, PA 15136 in McKees Rocks Borough, **Allegheny County**. Solid Waste Permit No. 101717 was issued on January 11, 2021, for a municipal/C&D/residual waste transfer and recycling facility named the Boyd Waste Transfer & Recycling Facility at the same location. Permit No. 101717 superseded general permit WMGM043SW001; therefore, the Regional Office revoked general permit WMGM043SW001 and approved of the bond release on May 7, 2021.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit Application ID No. 101421. Shade Landfill, Inc., 1176 No. 1 Road, Cairnbrook, PA 15924-9726. A Solid Waste Management permit application was received for modification of the approved Closure Plan for continuing post-closure activities at Shade Landfill, located in Shade Township, **Somerset County**. The application was received in the DEP Regional Office in Pittsburgh on February 21, 2021.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional

Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

OPERATING PERMITS

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

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact Edward Wiener, Chief, Source Registration at 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal Title V/State Operating Permit for the following facility:

V08-001: AdvanSix Resins and Chemicals LLC, Frankford Plant (4701 Bermuda Street, Philadelphia, PA 19137), owns and operates a chemical manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include two 260 MMBtu/hr boilers, one 381 MMBtu/hr boiler, one (1) 2.5 MMBtu/hr boiler, emergency generators, air compressors, distillation columns, condensers, oxidation processes, reactors, phenol and alpha-methyl styrene loading, and storage tanks. Control devices include scrubbers, charcoal adsorbers, a thermal oxidizer, and four catalytic oxidizers.

The facility is a major source of Volatile Organic Compounds (VOC), Hazardous Air Pollutants (HAPs),

Nitrogen Oxides (NO_x), Sulfur Oxides (SO_x), and Particulate Matter less than 10 microns (PM₁₀). The facility is therefore subject to the Title V operating permit requirements adopted in 25 Pa. Code § 127, Subchapter G.

The Operating Permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments, or public hearing request within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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.

09-00184: Doylestown Hospital (595 West State Street, Doylestown, PA 18901), for renewal of a State Only Operating Permit in Doylestown Township, **Bucks County**. The facility operates four (4) dual-fired boilers, one (1) natural gas 1.6 MW cogeneration unit, one (1) natural gas fired electric generator for peak shaving purposes, four (4) emergency diesel electric generators, and two (2) emergency diesel fire pumps. Doylestown Hospital is categorized as a synthetic minor facility for NO_x emissions with a site-wide limit of 24.9 tons per year. There have been no changes to any of the existing sources and there are no new sources being added under this renewal and the permittee shall continue to comply with all existing requirements. The permit includes monitoring, recordkeeping and reporting requirements designed to address 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 can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

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

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

21-05066: Martins Creek, LLC (600 Hamilton Street, Suite 600, Allentown, PA 18101), to issue a State Only Operating Permit renewal for the electric peaking station at the West Shore CTG site located in the Lower Allen Township, **Cumberland County**. The facility's actual emissions as reported in 2019 were: 0.49 ton of NO_x, 0.58 ton of SO₂, and 0.01 ton of PM₁₀. The Operating Permit will include emission limits and work practice require-

ments to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 123.13 for particulate matter and 25 Pa. Code § 123.21 for sulfur dioxide emissions.

01-03020: Genlyte Thomas Group, LLC (100 Craftway Drive, Littlestown, PA 17340) to issue a State Only Operating Permit for the lighting products manufacturing facility located in Littlestown Borough, **Adams County**. The actual emissions from the facility in 2019 year are estimated at 1.72 tons of VOCs and less than 1-ton HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52—Surface coating processes, 25 Pa. Code § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings, and 25 Pa. Code § 129.77—Control of emissions from the use or application of adhesives, sealants, primers and solvents.

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

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

41-00065: Fisher Mining Company (40 Choate Circle, Montoursville, PA 17754-9791) to issue a renewal State Only Operating Permit for the Thomas Site located in Pine Township, **Lycoming County**. The facility is currently operating under State Only Operating Permit 41-00065. The facility's sources include a coal preparation plant consisting of various crushers, screens, conveyors and stockpiles, as well as minor combustion sources and parts washers. The facility has potential emissions of 0.29 TPY of CO; 0.71 TPY of NO_x; 5.04 TPY of SO_x; 1.43 TPY of PM/PM₁₀; 2.77 TPY of VOCs; 0.06 TPY HAPs; 1,312 TPY GHGs. The coal prep plant is subject to 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants. 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 Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

17-00075: Kinkead Aggregates, Inc. (2311 Route 56 Hwy E, Homer City, PA 15748) applied for a State Only Operating Permit authorization for the operation of their nonmetallic mineral processing plant (Sources ID 101) and stationary diesel engines (Source IDs 103 and 104) at the Buena Vista Mine in Bell Township, **Clearfield County**. The potential emissions for the aforementioned sources plus the listed ancillary source operations, such as usage of unpaved site haul roads and stockpiling within the facility are determined to be approximately equal to the following values: 46.2 TPY PM₁₀; 0.5 TPY SO_x; 12.0 TPY NO_x; 0.56 TPY CO; 0.07 TPY VOC; 0.02 TPY HAP; and 1,477 TPY CO₂. No modifications to the

facility occurred since the previous authorization was issued to the company. The fixed nonmetallic mineral processing plant at this facility is subject to the National Standards of Performance for Nonmetallic Mineral Processing Sources as codified in 40 CFR Part 60 Subpart 000, as well as the applicable State BAT requirements established by the Department for Sources 101 construction and operation. Additionally, the diesel engines are subject to the National Standards of Performance for Stationary Diesel Engines as codified in 40 CFR Part 60 Subpart IIII, as well as the applicable State BAT requirements established for Source 103 and 104 constructions and operations. By complying with the applicable requirements of Part 60 Subpart IIII of 40 CFR, the company would satisfy the National Hazardous Air Pollutants for stationary RICE engine as codified 40 CFR Part 63 Subpart ZZZZ, per 40 CFR section 63.6590(c)(1). Along with the above, the permit incorporates all other applicable requirements to each source including appropriate testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance. The applicable requirements are derived from 25 Pa. Code Chapters 121 and 145 (relating to Air Resources). All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

18-00014: Jersey Shore Steel Company (P.O. Box 5055, Jersey Shore, PA 17740) to issue a State Only Operating Permit for their facility located in Pine Creek Township, **Clinton County**. The facility is currently operating under State Only Operating Permit 18-00014. The facility's sources include a 55 million Btu per hour steel rehear furnace, three scarfing booths, a 4 million Btu per hour blacksmith furnace, a gasoline dispensing facility and numerous small combustion units, space heaters, torpedo heaters and parts washers. The facility has potential emissions of 67.00 tons per year of nitrogen oxides, 11.40 tons per year of carbon monoxide, 3.81 tons per year of volatile organic compounds, 75.72 tons per year of sulfur oxides and 73.70 tons per year of particulate matter. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.3636.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

11-00052: Pennsylvania Department of Labor & Industry (727 Goucher Street, Johnstown, PA 15905-3025). In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, State Only Operating Permit for the continued operation of a boiler house at an occupational retraining institution, known as

the Hiram G. Andrews Center, located in Upper Yoder Township, **Cambria County**.

The primary sources at the boiler house are two boilers. Each of these boilers (Boilers # 1 and # 2, Source IDs 034 and 035, 25.2 MMBtu/hr, each) is natural gas-fired with distillate oil fuel backup. The facility also contains four, reciprocating, emergency generator engines. Three engines are propane-fueled, spark ignition, with rated capacities of 225-bhp, 225-bhp, and 120-bhp. The other engine is diesel, compression ignition, with a rated capacity of 225-bhp.

Annual potential emissions are 66 tons of CO, 14 tons of NO_x, 2 tons of PM₁₀, 2 tons of PM_{2.5}, 2 tons of VOC, 1 ton of SO₂, 0.5 ton of all HAPs combined, and 26,639 tons of CO₂e. Sources at the Torrance State Hospital are subject to 40 CFR Part 60, Subpart A—General Provisions, and 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. Sources are also subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, operational, monitoring, testing, recordkeeping, and reporting requirements for the plant.

The application, the DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-11-00052) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place, and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

30-00116: Columbia Gas Transmission, LLC (455 Racetrack Road, Washington, PA 15301). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue a renewal Synthetic Minor Operating Permit for operation of the Waynesburg Compressor Station located in Franklin Township, **Greene County**.

Equipment covered by this operating permit includes five (5) natural gas-fired Solar Saturn turbines, one (1) natural gas-fired Solar Centaur turbine, one (1) Waukesha natural gas-fired emergency generator engine,

one (1) natural gas-fired fuel line heat exchanger, forty (40) natural gas-fired catalytic space heaters, gasoline storage tanks, and pipeline liquids storage tanks.

Potential emissions for the facility including emission restrictions have been calculated as follows: 63.4 tons per year of carbon monoxide (CO), 96.0 tons per year of nitrogen oxides (NO_x), 6.42 tons per year of particulate matter less than 10-microns (PM₁₀), 6.42 tons per year of particulate matter less than 2.5-microns (PM_{2.5}), 0.42 ton per year of sulfur oxides (SO₂), 3.16 tons per year of volatile organic compounds (VOC), 0.47 ton per year of formaldehyde, 0.71 ton per year of total Hazardous Air Pollutants (HAP), and 69,609 tons per year of greenhouse gases (GHGs).

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The proposed operating permit includes emission limitations, monitoring, work practice standards, reporting, and recordkeeping requirements for the facility.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 30-00116) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

56-00119: West Salisbury Foundry & Machine Co., Inc. (P.O. Box 541, Salisbury, PA 15558-0541). In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) intends to issue an Air Quality State Only Operating Permit (SOOP) renewal to West Salisbury Foundry & Machine to authorize the operation of a traditional iron job-shop foundry producing iron castings for general industry. The facility is located in Elk Lick Township, **Somerset County**.

Operations at this facility include melting, molding, mixing, and preparing sand for molds, refining, casting iron as well as cleaning and grinding the casting. The emission sources at this facility are a small coal fired boiler, pouring, casting & cooling operations, large shot blast machine, electric induction furnaces, and casting

finishing operation. There are several dust collectors to control emissions and they are exhausted indoors. The estimated emissions from this facility are 5.984 tons/yr of particulate material (PM₁₀), 0.346 ton/yr of oxides of nitrogen (NO_x), 1.308 tons/yr of oxides of sulfur (SO_x), 2.036 tons/yr of volatile organic compound (VOCs) and 0.1 ton/yr of HAPs. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145, MACT requirements established under 40 CFR Part 63, Subpart ZZZZZ for small foundry and 40 CFR 63, Subpart JJJJJ for the coal-fired boiler.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (56-00119) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

West Salisbury' State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the West Salisbury' State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

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

20-00263: The TAPCO Tube Company (10748 South Water Street, Meadville, PA 16335). The Department intends to renew the State Only Operating Permit for steel tube manufacturing facility located in West Mead Township, **Crawford County**. The sources at the facility include a dip coating operation, a powder coating operation, 2 clear coating lines, 30 natural gas fueled space heaters for building heat, 2 scarfing & remetalization operations, and 3 parts washers. The facility is a Natural Minor. The potential emissions from the facility are as follows: VOCs, 49.9 tpy; CO, < 1 tpy; NO_x, < 1 tpy; SO₂, < 1 tpy; PM, < 1 tpy; any single HAP 9.9 tpy; and all combined HAPs 24.9 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.

25-00931: PA Department of Corrections/Albion SCI (10745 Rte 18, Albion, PA 16475-0002). The Department is providing notice that they intend to renew a State Only Synthetic Minor Operating Permit for the State Correctional Institute located in Conneaut Township, **Erie County**. The facility's primary emission sources include five boilers, two emergency power generators, a parts washer, and miscellaneous natural gas

combustion. The potential emissions of the primary pollutants from the facility are as follows: 99.00 TPY (tons per year) NO_x, 33.59 TPY CO, 9.07 TPY VOC, 1.14 TPY total HAPs, 3.42 TPY filterable PM₁₀, 3.41 TPY filterable PM_{2.5}, and 4.84 TPY SO_x. The facility is a synthetic minor, taking limits on natural gas and fuel oil usage to maintain a NO_x emission limit of 99.00 TPY. The existing 33.4 mmBtu/hr hot water boiler and a new 33.5 mmBtu/hr boiler are subject to 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The new 33.5 mmBtu/hr boiler and a new 14.644 mmBtu/hr boiler are also subject to GP-1 requirements, which includes emission restrictions. None of the boilers are subject to 40 CFR 63 Subpart JJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources, as they have taken hours of operation limits on usage of fuel oil. 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.

43-00319: Sharon Tube Co., Church St. Plant (20 Church St., Wheatland, PA 16161), the Department intends to issue the renewal State-Only Operating Permit of a steel pipe and tube manufacturing facility located in Wheatland Borough, **Mercer County**. Permitted air contamination sources at the facility are annealing furnaces, inert gas generators, cold immersion oil dip tanks, boilers, tube dryers, emergency generators, heaters, and parts washers. Established through PA 43-319C and D, the facility has been subject to a facility-wide and a source-specific VOC restrictions and annual emissions inventory reporting. For permitting purposes, the facility is Natural Minor. In this renewal, the facility-wide VOC restriction is revised to account for the VOC restrictions authorized by PA 43-319D for the cold immersion oil dip tanks and by PA 43-319C for the rest of the permitted sources. For the boilers, a fuel restriction is added to ensure their exemption from 40 CFR 63 Subpart JJJJJ.

43-00360: Cronimet Specialty Metals USA, Inc. (40 Council Avenue, Wheatland, PA 16161). The Department intends to renew the State Only Operating Permit for the melting and foundry operations in the Borough of Wheatland, **Mercer County**. The primary emission sources at the facility include 4 Electric Induction Furnaces, a 1.5 million Btu/hr natural gas fueled shot dryer, shakeout operations, shot blasting, a ball mill, a Next Gen2 Mixer, and other natural gas combustion sources with ratings of less than 1 million Btu/hr. The facility is a natural minor. Estimated potential emissions for the facility are as follows: 1.3 tpy NO_x; 0.008 tpy SO_x; 1.09 tpy CO; 3.17 tpy PM; 0.07 tpy VOC; and 1,564 tpy CO₂. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

62-00035: IA Construction Corporation (P.O. Box 568, Franklin, PA 16323). The Department intends to renew the State Only Operating Permit for the Warren Hot Mix Asphalt Plant located in Conewango Township, **Warren County**. The facility is a Natural Minor. The primary sources at the facility include a Batch Hot Mix Asphalt Plant with maximum throughput rate of 240 tons asphalt per hour and a Portable Crushing Plant with a maximum throughput of 150 tons of crushed material per hour. The portable crushing plant is powered by a Nonroad diesel-fueled engine. The asphalt plant is restricted to a production limit of 495,000 tons of hot asphalt paving materials per year. Reported emissions for 2020 were: 15.03 tons CO; 1.46 tons NO_x; 4.7 tons PM₁₀;

0.00 ton PM_{2.5}; 0.17 ton SO_x; 0.31 tons VOC; 0.404 ton HAPs; 1,236 tons CO₂; 0.0233 ton methane; and 0.0023 ton nitrous oxide. 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.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department

at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant’s newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

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

Alkalinity greater than acidity¹

¹The 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. 63723707 and NPDES Permit No. PA0215520. Washington County Land Resources, Inc., 46226 National Road, St. Clairsville, OH 43950 to transfer the permit and related NPDES permit from Maple Creek Mining, Inc. for Ginger Hill Refuse Area II in Nottingham and Carroll Townships, **Washington County**. No additional discharges. The application was considered administratively complete on April 16, 2021. Application received: November 30, 2020.

Permit No. 11841301 and NPDES Permit No. PA0001317. ArcelorMittal Pristine Resources, LLC, P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948 to revise the permit and related NPDES permit to add an additional NPDES point (outfall 007A) for Cambria Slope Mine No. 33 in Cambria, Allegheny, Munster, Portage, Summerhill, and Croyle Townships, **Cambria County**. Receiving stream(s): Little Conemaugh River classified for the following use(s): WWF and South Branch Blacklick Creek classified for the following use(s): CWF. No additional discharges. The application was considered administratively complete on April 19, 2021. Application received: February 2, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 63100101 and NPDES Permit No. PA0251933. Neiswonger Construction, Inc., 17592 Route 322, Strattanville, PA 16258. Renewal application for reclamation only to an existing bituminous surface mine, located in

Somerset Township, **Washington County**, affecting 293.0 acres. Receiving streams: unnamed tributaries to Center Branch Pigeon Creek, South Branch Pigeon Creek and Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 30, 2021.

Permit No. 03090105. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687. Renewal application for reclamation only to an existing bituminous surface mine located in Bethel Township, **Armstrong County**, affecting 42 acres. Receiving streams: Crooked Creek. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 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. 55100301 and NPDES No. PA0257401. National Limestone Quarry, Inc., P.O. Box 397, Middleburg, PA 17842, renewal of an NPDES permit for a large noncoal mining site located in Franklin and Beaver Townships, **Snyder County** affecting 12.8 acres. Receiving stream(s): Unnamed Tributary to Middle Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: April 29, 2021.

NPDES No. PA0614181 (Mining Permit No. 60840401), New Enterprise Stone & Lime, Inc., P.O. Box 77, New Enterprise, PA 16664, NPDES modification to add an additional Sediment Pond outfall on a noncoal surface mine in Buffalo Township, **Union County** affecting 324.9 acres. Receiving stream(s): Buffalo Creek classified for the following use(s): TSF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: May 3, 2021.

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

Permit No. 45842304C2 and NPDES Permit No. PA0226181. Louis J. Manzie, Inc., 1155 Francis Lane, Stroudsburg, PA 18360, correction to include an NPDES Permit for discharge of treated mine drainage from a quarry operation in Stroud Township, **Monroe County** affecting 5.0 acres. Receiving stream: Pocono Creek and Little Pocono Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: March 24, 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.

NPDES No. PA0607878 (Mining Permit No. 39A77SM4), Bentley Development Company, Inc., P.O. Box 338, Blairsville, PA 15717, renewal of an NPDES permit for a post-mining treatment outfall in West Wheatfield Township, **Indiana County**, affecting 197 acres. Receiving stream(s): Unnamed Tributary to Conemaugh River, classified for the following use(s): Cold Water Fishes. This receiving stream is included in the Kiski-Conemaugh River TMDL. Application received: March 11, 2021.

The following outfall discharges to Unnamed Tributary to Conemaugh River

Outfalls: 001 (All Weather Conditions) Parameter	Outfall Nos.	New Outfall (Y/N)	
	001	N	
	30-Day Average	Daily Maximum	Instant. Maximum
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 10.5 standard units at all times.

Alkalinity must exceed acidity at all times.

NPDES No. PA0279412 (Mining Permit No. 4270BSM1), Cooney Brothers Coal Company, P.O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for a post-mining treatment outfall in Dean Township, **Cambria County**, affecting 14.5 acres. Receiving stream(s): Brubaker Run classified for the following use(s): Cold Water Fishes. This receiving stream is included in the Brubaker Run TMDL. Application received: March 5, 2021.

The following outfall discharges to Brubaker Run

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		
306 (Treatment System)	N		
<i>Outfalls: 001 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0
pH (S.U.): Must be between 6.0 and 10.5 standard units at all times.			
Alkalinity must exceed acidity at all times.			

NPDES No. PA0597490 (Mining Permit No. 11850111), E.P. Bender Coal Co., P.O. Box 594, Carrolltown, PA 15722, renewal of an NPDES permit for continued discharge from an existing post-mining treatment system in Dean Township, **Cambria County**, affecting 14.0 acres. Receiving stream: Brubaker Run, classified for the following use: cold water fishery. This receiving stream is included in the Brubaker Run TMDL. Application received: February 23, 2021.

The following outfall discharges to Brubaker Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		
005 (Treatment Facility)	N		
The proposed effluent limits for the previously listed outfall are as follows:			
<i>Outfalls:</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Osmotic Pressure (mOs/kg)	50.0	50.0	50.0
pH (S.U.): Must be between 6.0 and 10.5 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.

NPDES No. PA0238236 (Mining Permit No. 17990102), RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, renewal of an NPDES permit for a bituminous surface coal mine in Decatur Township, **Clearfield County**, affecting 344.2 acres. Receiving stream(s): Unnamed Tributaries to Little Laurel Run and Little Laurel Run, classified for the following use(s): Cold Water Fishes (CWF). This receiving stream is included in the Laurel Run TMDL. Application received: February 3, 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 outfalls discharge to Unnamed Tributaries to Little Laurel Run and Little Laurel Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Sedimentation Pond A
002	N	Sedimentation Pond B
003	N	Sedimentation Pond C
004	N	Sedimentation Pond D
005	N	Sedimentation Pond E
006	N	Sedimentation Pond F
008	N	Treatment Pond 1
010	N	Treatment Pond 3
012	N	Treatment Pond 5

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

<i>Outfalls: 008, 012 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	1.5	3.0	3.7
Aluminum (mg/L)	1.0	2.0	2.5
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 010 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	1.6	3.2	4.0
Manganese (mg/L)	0.8	1.6	2.1
Aluminum (mg/L)	1.0	2.0	2.5
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 001 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	1.5	3.0	3.7
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Aluminum (mg/L)		Monitor & Report	
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 003—006 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	1.6	3.2	4.0
Manganese (mg/L)	1.0	2.0	2.5
Aluminum (mg/L)	0.80	1.6	2.0
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 002 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	1.7	3.4	4.2
Manganese (mg/L)	1.1	2.2	2.7
Aluminum (mg/L)	0.80	1.6	2.1
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

This mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code Chapter 87, Subchapter F, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code Chapter 87.102(a) Group A, whichever is least stringent.

NPDES No. PA0256196 (Mining Permit No. 17050103), RAMM Coal, Inc., 1092 Spruce Hill Road, Rockton, PA 15856, renewal of an NPDES permit for surface coal mining in Brady Township, **Clearfield County** affecting 49.1 acres. Receiving stream(s): Unnamed Tributary to Little Anderson Creek classified for the following use(s): CWF. This receiving stream is included in the Anderson Creek TMDL. Application received: December 21, 2020.

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

The following outfall discharges to Unnamed Tributary to Little Anderson Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
003	N	Sediment Pond 2

Noncoal NPDES Draft Permits

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

NPDES Permit No. PA0225274. Noxen Sand & Materials, 2162 Chase Road, Shavertown, PA 18708, renewal of a non-discharging, no-outfall Individual NPDES Permit Associated with Mining Activities on SMP No. 66090301 in Noxen Township, **Wyoming County**, affecting 23.52 acres. Receiving stream: Beaver Run, classified for the following use: HQ—cold water fishes. The first downstream potable water supply intake from the point of discharge is Danville Municipal Water Authority, Susquehanna River intake. The Department has made a tentative determination to approve the non-discharge to Beaver Creek. Application received: June 17, 2019.

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)).

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

E2203220-026. Halifax Area Water & Sewer Authority, 203 Armstrong Road, P.O. Box 443, Halifax PA 17032. Halifax Township, **Dauphin County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct approximately 13,600 linear feet of 6-inch, 8-inch, and 10" gravity sewer lines, approximately 19,800

linear feet of associated 2-inch to 6-inch force mains and low pressure sewers, approximately 160 grinder pumps, and three pump stations to provide sewer service to the Matamoras, State Routes 147 & 225, Triangle & Lanker Estates areas of Halifax Township, Dauphin County. The project proposes utility line stream crossings of 6 UNTs to Powells Run (TSF, MF) and 0.045 acre of non-exceptional value wetland impacts for the construction of one of the three pump stations. (Halifax, PA Quadrangle, Latitude: 40.427079; Longitude: -76.938937).

E2203221-001. Lower Paxton Township Authority, 425 Prince Street, Harrisburg, PA 17109, in South Hanover Township, **Dauphin County**, U.S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing fill within 0.003-acre of the floodplain of Beaver Creek (CWF, MF) with work consisting of a 4.3-foot height increase to the concrete walls associated with an existing 9-foot wide by 17-foot long concrete slab housing a sanitary sewer metering chamber. The project is located 0.09 mile southeast of the intersection of S. Nyes Road and Conway Road in South Hanover Township, Dauphin County. Quadrangle Latitude: 40° 16' 26.48" Longitude: -76° 44' 50.85". (Hershey, PA Quadrangle, Latitude: 40° 16' 26.48"; Longitude: -76° 44' 50.85").

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

E1404221-001. Mark and Olga Levi, 196 Potters Lane, Port Matilda, PA 16870-7199. Barger Fields Subdivision, Patton Township, **Centre County**, U.S. Army Corps of Engineers Baltimore District (Julian, PA Quadrangle; 40° 48' 54.6"; -77° 59' 4.12").

The applicant proposes to construct and maintain a public road and associated utilities across a UNT Buffalo Run (HQ-CWF) and adjoining wetlands (EV) in order to provide access for 10 proposed single family lots. The project results in 456 sq. ft. of permanent direct wetland impacts, 348 sq. ft. of permanent direct watercourse impacts, and 8,700 sq. ft. of permanent direct floodway impacts.

E0804221-006. Nelson Welles II, 289 Strickland Road, Towanda, PA 18848. Welles Farm in Wysox Township, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle; Latitude: 41° 46' 7"; Longitude: -76° 24' 23").

To permit an existing field drainpipe and approximately 1,500-ft of streambank protection along Lanning Creek (WWF-MF). The total disturbed area along the watercourses is 0.12 acre. A PNDI search determined no species of concern to be present.

Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

E0205221-005, Springdale Borough, 325 School Street, Springdale, PA 15144, Springdale Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct and maintain a 17.8 foot by 32.1-foot floating kayak dock and 16' foot long floating gang way, attached to two 12" permanent piles within the Allegheny River (WWF). Upgrades to the existing parking lot including adding a concrete ADA parking spot will occur and two jumbo block walls will be installed within the floodplain measuring 48 feet and 53 feet. The total permanent impacts to the Allegheny River are 875 square feet, and the total permanent impacts to the floodway are 0.048 acre. The total permanent floodplain impact is 0.056 acre.

For the purpose of enhancing the existing launch area for Springdale Borough and neighboring communities by providing ADA accessibility.

The project site is located at 2 Colfax Street (New Kensington West, PA USGS topographic quadrangle; N: 40°, 32', 08"; W: -79°, 46', 59"; Sub-basin 18A; USACE Pittsburgh District), in Springdale Borough, Allegheny County.

E0205220-040, Hampton Township, 3101 McCully Road, Allison Park, PA 15101-1331, Hampton Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Demolish and remove existing aeration basins, digester tanks, secondary clarifiers, chlorine contact tanks, a dewatering building, a comminutor, an influent pump station, an office building, fencing, piping and other accessory infrastructure in the floodplain and floodway of Pine Creek (TSF),

2. Demolish and remove existing structures on adjacent properties which is part of the proposed site expansion in the floodplain of Pine Creek,

3. Construct and maintain a new head works facility consisting of an influent pump station, screening, and grit removal; a new Sequencing Batch Reactors; a new ultra-violet disinfection system; and, a new sludge dewatering system, and access road in the floodplain of Pine Creek,

4. Retrofit existing primary clarifier tanks into new aerobic digesters in the floodplain of Pine Creek,

5. Construct and maintain a floodwall, infiltration basins, rain gardens, and swales in the floodplain and floodway of Pine Creek,

6. Remove four (4) outfalls and construct and maintain two (2) new outfalls in the streambank of Pine Creek, and

7. Restabilize 990 LF of the streambank of Pine Creek once work is completed.

For the purposes of upgrading the Allison Park Water Pollution Control Facility to address wet weather flows, flooding, and increase treatment capacity.

The project will temporarily and permanently impact 990 LF of streambank, temporarily impact 0.4 acre of the floodway, permanently impact 1.8 acres of floodway, temporarily impact 0.3 acre of floodplain, and permanently impact 6.3 acres of floodplain.

The project site is located at 2536 Toner Avenue, Allison Park, PA 15101 (Gibsonia, PA USGS topographic quad-

range; N: 40°, 33', 43"; W: -79°, 57', 51"; Sub-basin 18A; USACE Pittsburgh District), in Hampton Township, Allegheny County.

E2605220-024, North Fayette County Municipal Authority, 1634 University Drive, Dunbar, PA 15431, Dunbar Township, **Fayette County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct, operate, and maintain a 1,800-square-foot pump station building within the floodway of the Youghiogheny River (HQ-CWF);

2. Perform dredging in the Youghiogheny River to an area of 110 feet by 30 feet (0.08 acre) and depth of 8 feet;

3. Construct, operate, and maintain two 12 feet by 2.5 feet diameter stainless steel intake structures, with 65 square feet of R-4 riprap and a 20-foot concrete protection wall, within the Youghiogheny River;

4. Construct, operate, and maintain a 62-foot concrete deflector wall within the Youghiogheny River;

5. Construct, operate, and maintain a 20-inch PVC outfall pipe, 62 square-foot concrete headwall, and approximately 40 square feet of R-4 riprap within the floodway of Dunbar Creek (TSF).

6. Place and maintain fill within a de minimus 0.02-acre wetland (PEM);

In association with the construction of a new water treatment plant. Cumulatively, the project will permanently impact 3,510 square feet of the Youghiogheny River, permanently impact 1,800 square feet of the floodway of the Youghiogheny River, permanently impact 80 square feet of the floodway of Dunbar Creek, and permanently impact 0.02 acre of wetland. The project site is located 0.4 mile downstream of the existing NFCMA water treatment plant, located 2.4 miles south of the Route 119 crossing in Connellsville, PA (S. Connellsville, PA USGS topographic quadrangle; N: 39°, 59', 35.0"; W: -79°, 36', 20.0"; Sub-basin 19D; USACE Pittsburgh District), in Dunbar Township, Fayette County.

E6305221-004, Ted Taylor Builders, LLC, 608 East McMurray Road, Suite 101, McMurray, PA 15317, Peters Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to construct, operate, and maintain:

1. A new 55 feet long, 18-inch diameter culvert. The installation proposes to permanently impact 55 linear feet of an unnamed tributary to Chartiers Creek (HQ-WWF).

2. A new 12 linear foot extension of an existing 36-inch diameter culvert. The installation proposes to permanently impact 12 linear feet of an unnamed tributary to Brush Run (WWF).

For the purpose of constructing a 43-lot residential subdivision with an 18" culvert stream crossing that serves as access to the site. The 36" culvert is proposed, to allow for installation of a sanitary sewer.

The project site is located at 270 Thomas Road, McMurray, PA 15317 (Bridgeville, PA USGS topographic quadrangle; N: 40°, 16', 1"; W: -80°, 5', 32"; Sub-basin 20F; USACE Pittsburgh District), in Peters Township, Washington County.

E6505221-001, Westmoreland County Industrial Development Corporation, 40 North Pennsylvania Av-

enue, 5th Floor, Suite 520, Greensburg, PA 15601, Greensburg City, **Westmoreland County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Place and maintain fill within 5 separate wetlands as follows: Wetland 2—0.04 acre (PEM), Wetland 3—0.10 acre (PEM/PSS), Wetland 4—0.03 (PEM), Wetland 5—0.66 acre (PEM/PSS); Wetland 7—0.02 (PEM/PSS). Wetland impacts total 0.85 acre.

2. Mitigation is proposed through the purchase of wetland mitigation bank credits from the Schrader Hollow Road Mitigation Bank.

For the purpose of site development to construct an industrial park building and associated infrastructure.

The project site is located Waltz Mill Flats Road, Ruffs Dale, PA 15679 Smithton, PA USGS topographic quadrangle; N: 40°, 12', 51"; W: -79°, 40', 22"; Sub-basin 19D; USACE Pittsburgh District), in Sewickley Township, Westmoreland County.

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

E2506221-004, Gary Brotherson, 1801 West 8th Street, Erie, PA 16505-4938. Brotherson Beach Project, in Mill Creek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 42°, 6', 17.8"; W: -80°, 10', 2.3").

The Applicant proposes to conduct the following activities associated with the Brotherson Beach Project, a lakeshore stabilization and residential development along Lake Erie and Marshall Run:

1. To construct and maintain, on several properties in the Forest Park Beach Subdivision, seven, eight feet wide, lower-profile, concrete groin structures extending varying distances into Lake Erie from the Lake's Ordinary High Water Mark (OHWM) but with none extending beyond the Lake's Ordinary Low Water Mark (OLWM);

2. To construct and maintain approximately 80 feet of an approximately 500 feet long concrete seawall lakeward of the OHWM;

3. To relocate a portion of an existing sanitary sewer line that is presently lakeward of the OHWM to an area landward of the OHWM;

4. To construct and maintain various utility line crossings of Marshall Run;

5. And to construct and maintain a stormwater outfall with energy dissipator in Marshal Run.

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

E6512221-001. Department of General Services, Bureau of Capital Projects Design, 1800 Herr Street, Harrisburg, PA 17103-1540, Northmont Street Area Flood Protection Project, City of Greensburg and Hempfield Township, **Westmoreland County**, USACOE Pittsburgh District.

The permit is requested for a flood protection project with the following activities associated with the construction of the project in and along approximately 2,089 linear feet (~10.61 acres) of an unnamed tributary to Jacks Run (perennial, WWF):

1. The upstream end of the project is approximately 126-feet north of Northmont Street. The upstream end of

the project is a 91-foot long trapezoidal reinforced earth channel debris basin emptying through a bollard style trash rack into a 10-foot long concrete inlet structure.

2. A 5-feet high rectangular concrete box culvert will connect the inlet structure to a rectangular concrete channel downstream of Kenneth Street. This culvert will extend for a distance of 476-feet and replace an existing 42-inch RCP of approximately the same length. The culvert will transition from a width of 8-feet to a width of 6-feet at approximately 80-feet downstream of the inlet structure.

3. A 6-feet wide rectangular concrete channel will continue 120-feet from downstream of Kenneth Street to an unnamed alley.

4. A 6-feet wide by 5-foot high rectangular concrete box culvert will continue 25-feet under the unnamed alley connecting two sections of rectangular concrete channel and replace an existing 72-inch RCP of approximately the same length.

5. A 6-feet wide rectangular concrete channel will continue 120-feet from downstream of the unnamed alley to upstream of Beaver Street.

6. A 6-feet wide by 5-foot high rectangular concrete box culvert will continue 630-feet downstream of Beaver Street and running under Harvey Avenue and continuing 240-feet past Harvey Avenue to a trapezoidal reinforced earth channel. This will replace an existing culvert with sections consisting of 72-inch RCP, 72-inch CMP and a 6-feet wide by 6-foot high rectangular box culvert of approximately the same length.

7. A 6-feet wide trapezoidal reinforced earth channel will continue 178-feet downstream to a concrete channel.

8. A 10-foot wide rectangular concrete channel will continue 101-feet from the trapezoidal reinforced earth channel to the SR119 New Alexander Way Bridge. The initial 20-feet will be a concrete transition from the 6-foot wide trapezoidal channel to the 10-foot wide rectangular concrete channel.

9. The invert of the SR119 New Alexander Way Bridge will be paved with concrete for a length of 33 lineal feet. The interior dimensions between the bridge abutments is 9-feet width with a height of 5-feet to the existing low chord from the paved invert.

10. A 10-foot wide rectangular concrete channel will continue 49-feet to Roosevelt Way.

11. The Roosevelt Way Bridge will be replaced with a 10-wide by 4 1/2-foot high box culvert extending 42-feet downstream connecting the rectangular concrete channel to a reinforced earth channel with precast block walls. The box culvert will be slightly longer than the existing bridge that is an angled crossing.

12. A 10-foot wide reinforced earth channel with precast block walls continue 215-feet from downstream of the Roosevelt Way box culvert to the confluence with Jacks Run.

The project is located along an unnamed tributary to Jacks Run (Greensburg, PA Quadrangle N: 40° 18' 34", W: 79° 32' 20") in the City of Greensburg and Hempfield Township, Westmoreland County.

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

E0829221-004: Appalachia Midstream, LLC, 30351 Route 6, Wysox, PA 18854, Smithfield and Troy Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a gravel valve site permanently impacting 195 square feet of a Palustrine Emergent Wetland (Troy, PA Quadrangle, Latitude: 41.750241°, Longitude: -76.772360°);
2. a gravel valve site permanently impacting 4,023 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41.833928°, Longitude: -76.646405°);

The project will result in 4,218 square feet (0.10 acre) of permanent PEM impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Smithfield and Troy Township, Bradford County. On-site wetland mitigation of 11,874 square feet (0.27 acre) of PEM wetland enhancement (East Troy, PA Quadrangle, Latitude: 41.833928°, Longitude: -76.646405°).

ENVIRONMENTAL ASSESSMENTS

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

EA2006221-001, Crawford County, 903 Diamond Park, Meadville, PA 16335. South Perry Street Bridge Removal, in Titusville City, **Crawford County**, ACOE Pittsburgh District (Titusville South, PA Quadrangle N: 41°, 37', 21.88"; W: -79°, 40', 36.99").

To remove the existing single span thru truss bridge that spans Oil Creek in Titusville City, Crawford County. The project will temporarily impact 231 linear feet of Oil Creek (CWF, TSF). No wetland impacts are proposed.

EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

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

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

Applications received under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.

ESCGP-3 # ESX10-059-0075 Renewal/Major Revision
Applicant Name EQT Production Company
Contact Person Todd Klaner
Address 400 Woodcliff Drive
City, State, Zip Canonsburg, PA 15317
County Greene
Township(s) Morgan Twp
Receiving Stream(s) and Classification(s) UNTs to Brown's Run (WWF), UNTs to South Fork Tenmile Creek (WWF); Brown's Run (WWF), South Fork Tenmile Creek (WWF)

ESCGP-3 # ESX17-059-0037
Applicant Name Rice Drilling B, LLC
Contact Person Todd Klaner
Address 2400 Ansys Drive, Suite 200
City, State, Zip Canonsburg, PA 15317
County Greene
Township(s) Wayne Twp
Receiving Stream(s) and Classification(s) UNT to Rudolph Run (WWF), UNT to Roberts Run (WWF), Rudolf Run (WWF)

ESCGP-3 # ESG073019027-00
Applicant Name EQT Production Company
Contact Person Todd Klaner
Address 2400 Ansys Drive, Suite 200
City, State, Zip Canonsburg, PA 15317
County Greene
Township(s) Perry & Whiteley Twps
Receiving Stream(s) and Classification(s) Rudolf Run (WWF), UNT to Rudolf Run (WWF); Dunkard Creek (WWF)

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>
PABIS3504	Individual Site Permit for Beneficial Use of Biosolids by Land Application	Issued	Lancaster City Lancaster County 435 Williams Court Suite 100 Baltimore, MD 21220	Drumore Township Lancaster County	SCRO
0921806	Joint DEP/PFBC Pesticides Permit	Issued	Stieg Bill 3655 Bristol Road Doylestown, PA 18901-7043	Doylestown Township Bucks County	SERO
0921808	Joint DEP/PFBC Pesticides Permit	Issued	Rutkowski Tami 950 Town Center Drive Langhorne, PA 19047-1866	Bensalem Township Bucks County	SERO
0921811	Joint DEP/PFBC Pesticides Permit	Issued	Wieder Mike 166 Bunker Road Ottsville, PA 18942	Tinicum Township Bucks County	SERO
1315801	Joint DEP/PFBC Pesticides Permit	Issued	Lake Hauto Club 140 Maple Ter Nesquehoning, PA 18240-2128	Mahoning Township Carbon County	NERO
1417801	Joint DEP/PFBC Pesticides Permit	Issued	Dimakopoulos John 200 S Nixon Road State College, PA 16801-2313	Ferguson Township Centre 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>
3721802	Joint DEP/PFBC Pesticides Permit	Issued	John L Drespling 424 Stonehouse Lane Volant, PA 16156-6632	Hickory Township Lawrence County	NWRO
3921802	Joint DEP/PFBC Pesticides Permit	Issued	Parkland Preserve at Highgate 2045 Westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
3921803	Joint DEP/PFBC Pesticides Permit	Issued	Parkland Preserve at Highgate 2045 Westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
3921804	Joint DEP/PFBC Pesticides Permit	Issued	Parkland Preserve at Highgate 2045 Westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
3921805	Joint DEP/PFBC Pesticides Permit	Issued	Parkland Preserve at Highgate 2045 Westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
3921806	Joint DEP/PFBC Pesticides Permit	Issued	Parkland Preserve at Highgate 2045 Westgate Drive Suite 201 Bethlehem, PA 18017	Upper Macungie Township Lehigh County	NERO
4017803	Joint DEP/PFBC Pesticides Permit	Issued	Kamionka Angela 1040 Broadway Road Shickshinny, PA 18655	Huntington Township Luzerne County	NERO
4017804	Joint DEP/PFBC Pesticides Permit	Issued	Kamionka Angela 1040 Broadway Road Shickshinny, PA 18655	Huntington Township Luzerne County	NERO
4021802	Joint DEP/PFBC Pesticides Permit	Issued	American Legion Post Mt # 781 1550 Henry Drive Mt Top, PA 18707	Rice Township Luzerne County	NERO
4321804	Joint DEP/PFBC Pesticides Permit	Issued	Edward Bardella 331 North Summit Road Jamestown, PA 16134	West Salem Township Mercer County	NWRO
4513873	Joint DEP/PFBC Pesticides Permit	Issued	Monroe Lake POA 118 Lake Shore Drive East Stroudsburg, PA 18301	Middle Smithfield Township Monroe County	NERO
4514801	Joint DEP/PFBC Pesticides Permit	Issued	Brier Crest Woods POA 117 Thornberry Lane Blakeslee, PA 18610-7920	Tunkhannock Township Monroe County	NERO
4521801	Joint DEP/PFBC Pesticides Permit	Issued	Greenwood Acres POA P.O. Box 687 Moscow, PA 18444-0687	Tobyhanna Township Monroe County	NERO
4817807	Joint DEP/PFBC Pesticides Permit	Issued	St Mawes Trust 7 Tanglewylde Avenue # 4D Bronxville, NY 10708	Upper Mount Bethel Township Northampton County	NERO
4819807	Joint DEP/PFBC Pesticides Permit	Issued	Bodden Kim 250 Durham Road Easton, PA 18042	Williams Township Northampton County	NERO

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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>
4821802	Joint DEP/PFBC Pesticides Permit	Issued	Traditions of America Bridle Path HOA 2600 Presidential Boulevard Bethlehem, PA 18017-7724	Hanover Township Northampton County	NERO
4821803	Joint DEP/PFBC Pesticides Permit	Issued	Traditions of America Bridle Path HOA 2600 Presidential Boulevard Bethlehem, PA 18017-7724	Hanover Township Northampton County	NERO
6421801	Joint DEP/PFBC Pesticides Permit	Issued	Piotrowski Joseph 33 Eisenhower Road Lake Ariel, PA 18436-4038	Salem Township Wayne County	NERO
PA0082953	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Diller Transfer Station LLC 6820 Wertzville Road Enola, PA 17025-1032	Hampden Township Cumberland County	SCRO
PA0029653	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Jewish Comm Center Day Camp 601 Jefferson Avenue Scranton, PA 18510-1621	Covington Township Lackawanna County	NERO
PA0032905	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Bricar Holdings LLC 90 Shenango Park Road Lot 1 Transfer, PA 16154-2141	Pymatuning Township Mercer County	NWRO
PA0041131	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Columbia Montour Area Vocational Tech School 5050 Sweppenheiser Drive Bloomsburg, PA 17815-8919	South Centre Township Columbia County	NCRO
PA0082198	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Peters Township Franklin County 5000 Steele Avenue Lemasters, PA 17231-9800	Peters Township Franklin County	SCRO
PA0082287	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	PA De District Council Assemblies of God 430 Union Hall Road Carlisle, PA 17013-8303	North Middleton Township Cumberland County	SCRO
PA0090719	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Indiana County Municipal Service Authority 602 Kolter Road Indiana, PA 15701-1755	East Wheatfield Township Indiana County	NWRO
PA0093131	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Prebula Family Ventures LLC 160 Ralston Road Slippery Rock, PA 16057-3528	Slippery Rock Township Butler County	NWRO
PA0094676	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Twin Lakes Center Inc. 301 High Street Meyersdale, PA 15552-1019	Somerset Township Somerset County	SWRO
PA0101087	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Norman J Cutri d/b/a Twilight MHP 1324 S Shore Drive Apt 601 Erie, PA 16505-2539	Mahoning Township Lawrence 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>
PA0111741	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Lewis Township Northumberland County 1428 Rovendale Drive Watsonstown, PA 17777-8459	Lewis Township Northumberland County	NCRO
PA0240044	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Ballans Holdings Co. 25164 State Highway 27 Meadville, PA 16335-5914	East Mead Township Crawford County	NWRO
PA0254215	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Roxcoal Inc. P.O. Box 260 Friedens, PA 15541-0260	Stonycreek Township Somerset County	SWRO
PA0021202	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	East Berlin Borough Municipal Authority Adams County P.O. Box 37 East Berlin, PA 17316-0037	East Berlin Borough Adams County	SCRO
PA0037991	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Mainlines Manholes & Wastewater Treatment Inc. 9208 Tannery Road Girard, PA 16417-7846	Girard Township Erie County	NWRO
PA0050733	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Lincoln University P.O. Box 179 1570 Baltimore Pike Lincoln University, PA 19352-0999	Lower Oxford Township Chester County	SERO
PA0115088	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Benton Borough Municipal Water & Sewer Authority Columbia County P.O. Box 516 Benton, PA 17814-0516	Benton Borough Columbia County	NCRO
NOEXNW214	No Exposure Certification	Issued	Deist Ind Inc. 3547 Perry Highway Hadley, PA 16130-2325	Saegertown Borough Crawford County	NWRO
PAG033649	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cargill Inc. 15407 McGinty Road W Wayzata, MN 55391-2365	Greene Township Franklin County	SCRO
PAG033650	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cargill Inc. 1088 E Main Street Mount Joy, PA 17552-9332	Mount Joy Borough Lancaster County	SCRO
PAG033652	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cargill Inc. 15407 McGinty Road W Wayzata, MN 55391-2365	Taylor Township Blair County	SCRO
PAG036259	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Stone & Co. Inc. 1718 Roseytown Road Greensburg, PA 15601	Masontown Borough Fayette County	SWRO
PAG041197	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	T Walker Enterprises 2 LLC 1439 Greeley Street Bear Lake, PA 16402-1441	Bear Lake Borough Warren County	NWRO

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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>
PAG123837	PAG-12 NPDES General Permit for CAFOs	Issued	Wilt Michael 1408 Pointer Road Everett, PA 15537	East Providence Township Bedford County	SCRO
1079405	Sewage Treatment Facilities Individual WQM Permit	Issued	LKS Enterprises LLC 400 Frost Hollow Road Easton, PA 18040	Winfield Township Butler County	NWRO
2007405	Sewage Treatment Facilities Individual WQM Permit	Issued	Ballans Holdings Co. 25164 State Highway 27 Meadville, PA 16335-5914	East Mead Township Crawford County	NWRO
2521406	Sewage Treatment Facilities Individual WQM Permit	Issued	Twichel Gary 11000 Ivarea Road Albion, PA 16401-8940	Elk Creek Township Erie County	NWRO
3120404	Sewage Treatment Facilities Individual WQM Permit	Issued	Digilio Julian 12046 Guyer Road Petersburg, PA 16669-2602	Jackson Township Huntingdon County	SCRO
366S007	Sewage Treatment Facilities Individual WQM Permit	Issued	Prebula Family Ventures LLC 160 Ralston Road Slippery Rock, PA 16057-3528	Slippery Rock Township Butler County	NWRO
4319407	Sewage Treatment Facilities Individual WQM Permit	Issued	Keeley Ron 618 Conneaut Lake Road Adamsville, PA 16110	Sugar Grove Township Mercer County	NWRO
4621401	Sewage Treatment Facilities Individual WQM Permit	Issued	Lower Pottsgrove Township Montgomery County 100 East High Street Pottstown, PA 19464	Pottstown Borough Montgomery County	SERO
6286403	Sewage Treatment Facilities Individual WQM Permit	Issued	T Walker Enterprises 2 LLC 1439 Greeley Street Bear Lake, PA 16402-1441	Bear Lake Borough Warren County	NWRO
6592405	Sewage Treatment Facilities Individual WQM Permit	Issued	Eastern Gas Trans & Storage Inc. 925 White Oaks Boulevard Bridgeport, WV 26330-6919	Hempfield Township Westmoreland County	SWRO
6720402	Sewage Treatment Facilities Individual WQM Permit	Issued	Cornette Milton W 5196 Shenks Ferry Road Brogue, PA 17309-9044	Chanceford Township York County	SCRO
6720403	Sewage Treatment Facilities Individual WQM Permit	Issued	Shipley Benjamin 208 Calvary Church Road Wrightsville, PA 17368-9518	Lower Windsor Township York County	SCRO
0921401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Bucks County Water & Sewer Authority 1275 Almshouse Road Warrington, PA 18976-1209	Doylestown Borough Bucks County	SERO
1020416	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Timberlee Valley Sanitary Co. Inc. 800 S Washington Street Evans City, PA 16033-9208	Connoquenessing Township Butler 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>
1112403	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Johnstown Redevelopment Authority Cambria County 416 Main Street Suite 200 Johnstown, PA 15901-1828	West Taylor Township Cambria County	SWRO
1112404	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Johnstown Redevelopment Authority Cambria County 416 Main Street Suite 200 Johnstown, PA 15901-1828	West Taylor Township Cambria County	SWRO
1113400	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Johnstown Redevelopment Authority Cambria County 416 Main Street Suite 200 Johnstown, PA 15901-1828	West Taylor Township Cambria County	SWRO
1113403	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Johnstown Redevelopment Authority Cambria County 416 Main Street Suite 200 Johnstown, PA 15901-1828	West Taylor Township Cambria County	SWRO
1114401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Johnstown Redevelopment Authority Cambria County 416 Main Street Suite 200 Johnstown, PA 15901-1828	West Taylor Township Cambria County	SWRO
1114405	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Johnstown Redevelopment Authority Cambria County 416 Main Street Suite 200 Johnstown, PA 15901-1828	West Taylor Township Cambria County	SWRO
1115400	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Johnstown Redevelopment Authority Cambria County 416 Main Street Suite 200 Johnstown, PA 15901-1828	West Taylor Township Cambria County	SWRO
1115402	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Johnstown Redevelopment Authority Cambria County 416 Main Street Suite 200 Johnstown, PA 15901-1828	West Taylor Township Cambria County	SWRO
1520408	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Oxford Borough Area Sewer Authority Chester County P.O. Box 380 Oxford, PA 19363	Oxford Borough Chester County	SERO
2221401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Lower Paxton Township Authority Dauphin County 425 Prince Street Suite 139 Harrisburg, PA 17109	Lower Paxton Township Dauphin County	SCRO
4621406	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Royersford Borough Montgomery County 300 Main Street Royersford, PA 19468-2313	Upper Providence Township Montgomery County	SERO

<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>
4621407	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Royersford Borough Montgomery County 300 Main Street Royersford, PA 19468-2313	Upper Providence Township Montgomery County	SERO
PA0232564	Single Residence STP Individual NPDES Permit	Issued	Knauer William J 14 Keefer Mill Road Danville, PA 17821-6802	Liberty Township Montour County	NCRO
PA0253065	Single Residence STP Individual NPDES Permit	Issued	Carol Brode 1000 Small Road Jeannette, PA 15644-4715	Penn Township Westmoreland County	SWRO
PA0254355	Single Residence STP Individual NPDES Permit	Issued	Varner Patricia 1776 Lambertsville Road Stoystown, PA 15563-8208	Indian Lake Borough Somerset County	SWRO
PA0267228	Single Residence STP Individual NPDES Permit	Issued	Shipley Benjamin 208 Calvary Church Road Wrightsville, PA 17368-9518	Lower Windsor Township York County	SCRO
PA0267236	Single Residence STP Individual NPDES Permit	Issued	Cornette Milton W 5196 Shenks Ferry Road Brogue, PA 17309-9044	Chanceford Township York County	SCRO
PA0267368	Single Residence STP Individual NPDES Permit	Issued	Digilio Julian 12046 Guyer Road Petersburg, PA 16669-2602	Jackson Township Huntingdon County	SCRO
PA0272329	Single Residence STP Individual NPDES Permit	Issued	Keeley Ron 618 Conneaut Lake Road Adamsville, PA 16110	Sugar Grove Township Mercer County	NWRO
PA0288926	Single Residence STP Individual NPDES Permit	Issued	Twichel Gary 11000 Ivarea Road Albion, PA 16401-8940	Elk Creek Township Erie County	NWRO
PA0205737	Small Flow Treatment Facility Individual NPDES Permit	Issued	Eastern Gas Trans & Storage Inc. 925 White Oaks Boulevard Bridgeport, WV 26330-6919	Hempfield Township Westmoreland County	SWRO
PA0232661	Small Flow Treatment Facility Individual NPDES Permit	Issued	Daub Gregory L 485 Greenville Road Denver, PA 17517-9591	Covington Township Clearfield County	NCRO
WQG02542101	WQG-02 WQM General Permit	Issued	Tremont Fort LLC 1805 Shea Center Drive Suite 250 Highlands Ranch, CO 80129-2251	Frailey Township Schuylkill County	NERO

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>
PAC230168	PAG-02 General Permit	Issued	David Burman 1014 Darby Road Havertown, PA 19083	Haverford Township Delaware County	SERO
PAC510163 A-1	PAG-02 General Permit	Amendment	PECO Energy Company (PECO) 2301 Market Street, N3-3 Philadelphia, PA 19103	City of Philadelphia Philadelphia County	SERO
PAC230172	PAG-02 General Permit	Issued	Villanova University 800 E Lancaster Avenue Villanova, PA 19085	Radnor Township Delaware County	SERO
PAD150221	Individual NPDES	Renewal	Tel Hai Retirement Community 1200 Tel Hai Circle P.O. Box 190 Honey Brook, PA 19344	Honey Brook Township Delaware County	SERO

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD390203	Individual NPDES	Issued	Jason Danweber 3650 Schoeneck Drive Macungie, PA 18062	Lower Macungie Township Lehigh County	NERO
PAD520027	Individual NPDES	Issued	PennDOT Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Dingman and Milford Townships Pike County	NERO
PAD39105 A-1	Individual NPDES	Issued	American Millwork & Cabinetry, Inc. 840 Broad Street Emmaus, PA 18049	Emmaus Borough Lehigh County	NERO
PAC400190	PAG-02 General Permit	Issued	Geisinger Wyoming Valley Medical Center 1000 East Mountain Boulevard 1000 E Mountain Drive Wilkes-Barre, PA 18711	Plains Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAD450129	Individual NPDES	Issued	West End Fire Company of Brodheadsville 128 Route 715 Brodheadsville, PA 18322	Chestnuthill Township Monroe County	NERO
PAC400191	PAG-02 General Permit	Issued	Sheetz, Inc. Robert M. Jochen 351 Sheetz Way Claysburg, PA 16625	Larksville Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAD070008	Individual NPDES	Issued	Antis Township 909 North 2nd Street Bellwood, PA 16617	Antis Township Bellwood Township Blair County	SCRO
PAD210064	Individual NPDES	Issued	Diakon Lutheran Social Ministries 960 Century Drive Mechanicsburg, PA 17055-4530	South Middleton Township Cumberland County	SCRO
PAC210236	PAG-02 General Permit	Issued	Members 1st Federal Credit Union 5000 Louise Drive Mechanicsburg, PA 17055	Hampden Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210229	PAG-02 General Permit	Issued	Mechanicsburg Area School District 600 South Norway Street Mechanicsburg, PA 17055	Mechanicsburg Borough Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210042 A-2	PAG-02 General Permit	Issued	Rider Musser Development, LLC 5 Kacey Court Suite 203 Mechanicsburg, PA 17055	Upper Allen Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC220278	PAG-02 General Permit	Issued	Kantrell Nicholson 206 North Lockwillow Avenue Harrisburg, PA 17112	Halifax Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC220258 A-1	PAG-02 General Permit	Issued	PPL Electric Utilities Corporation 2 North 9th Street GENN4 Allentown, PA 18101	Swatara Township Lower Swatara Township Derry Township Steelton Borough Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220238 A-1	PAG-02 General Permit	Issued	Charter Homes at Laurel Hill, Inc. 322 Arch Street Lancaster, PA 17603	Susquehanna Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220284	PAG-02 General Permit	Issued	Alexander Ororbia P.O. Box 471 Sunbury, PA 17801	Lower Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220290	PAG-02 General Permit	Issued	Lowell Gates 150 Corporate Center Drive, Suite 100 Camp Hill, PA 17011	Susquehanna Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC280231	PAG-02 General Permit	Issued	Carter Lumber Company 601 Tallmadge Road Kent, OH 44240	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280234	PAG-02 General Permit	Issued	Randall Moss 116 Orchard Drive Boonsboro, MD 21713	Montgomery Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280235	PAG-02 General Permit	Issued	HCS Mercersburg, LLC 805 Tirone Street Daphne, AL 36526	Peters Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280228	PAG-02 General Permit	Issued	Zenith Construction, Inc. 1730 Edgewood Hill Circle Suite 101 Hagerstown, MD 21740	Borough of Chambersburg Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280114 A-1	PAG-02 General Permit	Issued	Antrim Township Board of Supervisors 10655 Antrim Church Road Greencastle, PA 17225	Antrim Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC340036	PAG-02 General Permit	Issued	Juniata Business and Industry 287 East Industrial Drive # 201 Mifflintown, PA 17059	Fermanagh Township Juniata County	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059-8709 717.436.8953, ext. 5
PAC440020	PAG-02 General Permit	Issued	Coleman Wood Products Corp. 209 Sawmill Road Reedsville, PA 17084	Brown Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717.248.4695
PAD140066	PAG-02 IP	Issued	Aspen Heights Partners 900 Block W College Ave State College, PA 16801	Ferguson Township State College Borough Centre County	NCRO
PAD140072	PAG-02 IP	Issued	Edward Walker Round Hill Road Boalsburg, PA 16827	Harris Township Centre County	NCRO
PAC040102	PAG-02 General Permit	Issued	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	Franklin Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC430059	PAG-02 General Permit	Issued	Wilson Capital LLC 407 East Neshannock Avenue New Wilmington, PA 16142	Wilmington Township Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC430058	PAG-02 General Permit	Issued	JNB Development LLC 4471 Whippoorwill Drive Hermitage, PA 16148	Hermitage City Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC100087A1	PAG-02 General Permit	Issued	Pikewood Land Partners LLC 2543 Washington Road Pittsburgh, PA 15241	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250116	PAG-02 General Permit	Issued	NLA III Real Estate Holdings LLC 5739 West Ridge Road Erie, PA 16506	Fairview Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

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>
Dan Landis 2590 Shumaker Road Manheim, PA 17545	Lancaster	52	288.86	Pullets	NA	Approved
Robert & Michael Shearer 806 Anderson Ferry Road Mount Joy, PA 17552	Lancaster	265	746.95	Swine Beef	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 5120504, Public Water Supply.
 Applicant **Veteran's Affairs, Medical Center**
 3900 Woodland Avenue
 Philadelphia, PA 19104
 Township Philadelphia City
 County **Philadelphia**
 Type of Facility PWS
 Consulting Engineer H F Lenz
 1407 Scalp Avenue
 Johnstown, PA 15904
 Permit to Construct Issued September 8, 2020

Permit No. 0920522, Public Water Supply.
 Applicant **North Wales Water Authority**
 200 West Walnut Street
 North Wales, PA 19554
 Township Warrington
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer CKS, Inc.
 4259 West Swamp Road
 Suite 410
 Doylestown, PA 18902
 Permit to Construct Issued November 19, 2020

Permit No. 5121501, Public Water Supply.
 Applicant **The Schuylkill Center of Environmental Education**
 8480 Hagy's Mill Road
 Philadelphia, PA 19128-1938
 Township Philadelphia City

County **Philadelphia**
 Type of Facility PWS
 Consulting Engineer CSC Technology, Inc.
 170 Netherwood Drive
 West Brandywine, PA 19320

Permit to Construct February 1, 2021
 Issued

Permit No. 1521501, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 4 Wellington Blvd.
 Reading, PA 19610

Township West Caln

County **Chester**

Type of Facility PWS

Consulting Engineer Mott MacDonald
 325 Chestnut Street
 Suite 300
 Philadelphia, PA 19106

Permit to Construct February 1, 2021
 Issued

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

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

Permit No. 1321501MA, Public Water Supply.

Applicant **Summit Hill Water Authority**
 40 West Amidon Street
 Suite 2
 Summit Hill, PA 18250

Borough Summit Hill Borough

County **Carbon**

Type of Facility PWS

Consulting Engineer Mr. R. Michael Tirpak II P.E.
 Project Engineer
 Carbon Engineering, Inc.
 350 North Pine Street
 Summit Hill, PA 18250

Permit to Construct April 29, 2021
 Issued

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

Operations Permit issued to: **Aqua Pennsylvania, Inc.**, 204 East Sunbury Street, Shamokin, PA 17872, **PWSID No. 4918507**, Coal Township, **Northumberland County** on May 10, 2021, for the operation of facilities approved under construction permit # 4918507. This permit authorizes replacement of the old Burnside Booster Pump Station with the recently constructed new Burnside Booster Pump Station adjacent to original site. Please comply with the Special Conditions attached to the permit.

Operations Permit issued to: **Pennsylvania American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055, **PWSID No. 4140087**, Rush Township, **Centre County** on May 10, 2021 for the operation of facilities approved under construction permit # 1419506-MA. This permit authorizes Pennsylvania American Water to operate two vertical centrifugal pumps that have replaced two horizontal centrifugal pumps in Sandy Ridge Booster Pump Station.

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0421502, Public Water Supply.

Applicant **Guy's Service, LLC**
 132 Big Knob Road
 Rochester, PA 15074

Borough New Brighton Borough

County **Beaver**

Type of Facility Water system

Consulting Engineer Toplak & Associates, PC
 112 Pineview Road
 Baden, PA 15005

Permit Issued April 28, 2021

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Township	Township Address	County
Middle Paxton Township	10 Elizabeth Avenue Dauphin, PA 17018	Dauphin County

Plan Description:

Approval of a revision to the official plan of Middle Paxton Township, Dauphin County has been issued. This action is a result of the review of a planning module for the Hagy Farm Subdivision, also known as River View at Middle Paxton (DEP Code No. A3-22924-258-3; APS ID No. 1034186). The proposed development—to be located at 510 Hagy Lane in Middle Paxton Township—consists of the construction of one new mixed-use commercial and residential development. The development proposes a total of 332 EDUs, of which 264 are residential and 68 are commercial. Total sewage flows at full buildout will be 95,000 gallons per day connecting to the Dauphin Borough collection, conveyance and treatment system. 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 Dauphin Borough.

Plan Location:

Township	Township Address	County
West Manheim Township	2414 Baltimore Street Hanover, PA 17331	York County

Plan Description:

Approval of a revision to the official plan of West Manheim Township, York County. The project is known as the West Manheim Township Act 537 Plan Special Study. The plan provides for the sale of assets of the Township's sewage collection and conveyance system. The York Water Company will purchase and acquire the Township's sewerage facilities. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is E1-67964-ACT and the APS Id is 1343971. Any permits must be obtained in the name of the York Water Company.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

Southcentral Region: Clean Water Program, 909 Elmerston Avenue, Harrisburg, PA 17110. 717-705-4700.

Plan Location:

Township	Township Address	County
Longswamp Township	1112 State Street Mertztown, PA 19539	Berks

Plan Description:

The Component 2 Planning Module for the 622 Tower Road Subdivision, DEP Code No. B3-06939-154-2, APS Id 1025975, consisting of one new single-family residential lot to use an individual on-lot sewage disposal system, is disapproved. The proposed development is located on Tower Road. This plan is disapproved because it is incomplete due to the failure to provide sufficient information and supporting documentation as required by Act 537, The Clean Streams Law (CSL), and regulations promulgated thereunder, for DEP to conduct a technical review and act upon the application. Items missing from the submission include an inked and sealed copy of the municipality's adopted "Resolution For Plan Revision For New Land Development", a copy of the Municipal Planning Agency Review Form (Component 4A) and County Planning Agency Review Form (Component 4B). Additionally, the "Transmittal Letter" was not signed and dated, the PNDI did not include the entire project area, the developer did not sign and date Section R. of the module, and the plot plan was not signed and sealed by a registered Professional Land Surveyor. Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

PUBLIC NOTICE OF PROPOSED CONSENT ORDER AND AGREEMENT

Public Notice of Proposed Consent Order and Agreement.

Perkasie TCE HSCA Site, 7th and Spruce Streets, Perkasie, PA 18944, Perkasie Borough, **Bucks County**.

The Department of Environmental Protection (Department), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (HSCA), 35 P.S. § 6020.1113, has entered a Consent Order and Agreement (CO&A) with Delbar Products Incorporated and the Delbar Products Incorporated Liquidating Trust (the Delbar Parties) to resolve their liability for the Department's response costs incurred to abate the release of hazardous substances at the property located at 7th and Spruce Streets in Perkasie, PA (the Site), which is located within the larger Perkasie TCE HSCA Site.

EPA referred the Perkasie TCE HSCA Site to the Department for investigation and response action. The Perkasie TCE HSCA Site is an area of commercial and residential properties which have been impacted by groundwater contamination from multiple sources including the Site. Delbar Products Incorporated used the hazardous substance, trichlorethylene (TCE) in its manufacturing processes at the Site and the Department's

investigation revealed that this chlorinated solvent and its breakdown products, contaminated groundwater on and in the vicinity of the Site.

Thus, the Department has determined that hazardous substances within the meaning of Section 103 of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.103, were released and threatened to be released on the Site. Pursuant to Section 501(a) of HSCA, 35 P.S. § 6020.501(a), the Department has incurred response costs associated with its investigation and other response actions at the Site. As former owner and operator of the Site, the Delbar Parties are responsible for the release and threatened release of hazardous substances at the Site, pursuant to Section 701 of the Hazardous Sites Cleanup Act, (HSCA) 35 P.S. § 6020.701.

The Delbar Parties signed a CO&A to resolve their liability and have agreed to pay their share of liability in the amount of Two Hundred and Forty Thousand Dollars (\$240,000). In consideration for this payment, they will receive contribution protection as well as a Covenant Not to Sue regarding hazardous substances released and threatened to be released at the Site.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to significant written comments." The CO&A is available for public review and comment. An electronic copy of the agreement may be requested by contacting either Dustin Armstrong (484) 250-5723 or Gina M. Thomas, Esquire at (484) 250-5930. Mr. Armstrong and Ms. Thomas may also be contacted electronically at darmatrong@pa.gov and githomas@pa.gov, respectively or by mail at the Department's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Mr. Armstrong at the previously listed address.

The Department has reserved the right to withdraw its consent to the Consent Order and Agreement if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the Consent Order and Agreement is inappropriate 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 nonresiden-

tial exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Former Hale Products, Inc., Facility, 720 Spring Mill Avenue, Conshohocken, PA 19428, Borough of Conshohocken, **Montgomery County**. Jon Rutledge, ARCADIS U.S., Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940 on behalf of Mike Wells, IDEX on behalf of Hurst Jaws of Life, Inc. (f/k/a Hale Products, Inc.), 3100 Sanders Road, Suite 301, Northbrook, IL, 60062 submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

McDonald's Restaurant # 37-0267, 2801 Cottman Avenue, Philadelphia, PA 19149, City of Philadelphia, **Philadelphia County**. Jeffrey T. Bauer, P.G., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Jonathan M. Baske, PE, McDonald's USA, LLC, 64 Harbor Drive, Hammonton, NJ 08037 submitted a Final Report concerning remediation of site soil contaminated with VOCs, SVOCs and lead. The report is intended to document remediation of the site to meet the Statewide health standard.

Quad Graphics, 4371 County Line Road, Chalfont, PA 18914, New Britain Township, **Bucks County**. Eric Schleicher, GHD Services, 1140 Welsh Road, North Wales, PA 19454 on behalf of Natalie Hahlen, Quad International Headquarters, N61 W23044 Harry's Way, Sussex, WI 53089 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide health 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.

Groce-Brown Property, 1101 West Walnut Street, Allentown, PA 18102, Allentown City, **Lehigh County**.

JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Angela Groce-Brown, 615 North 23rd Street, Allentown, PA 18104, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Kastenbaum Residence, 3 Seven Springs Drive, Cumru Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Michael Kastenbaum, 3 Seven Spring Drive, Reading, PA 19607, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The combined Report is intended to document remediation of the site to meet the Site-Specific 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.

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 Final Report demonstrated attainment of Statewide health standards and was approved by DEP on May 5, 2021.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

BAE Systems, 1100 Bairs Road, York, PA 17408, West Manchester Township, **York County**. Hydro-Terra Group, 1106 Business Parkway South, Suite E, Westminster, MD 21157, on behalf of BAE Systems, Inc., 1100 Bairs Road, York, PA 17408, submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Report was approved by the Department on May 3, 2021.

Former Alcoa Lebanon Works, 3000 State Drive, Lebanon, PA 17042, South Lebanon Township, **Lebanon County**. Liberty Environmental, Inc., 315 West James Street, Lancaster, PA 17603, on behalf of DHL, 1210 South Pine Island Road, Suite 400, Plantation, FL 33324, and Lotus Land, LLC, 411 East Chestnut Street, Lebanon, PA 17042, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site groundwater and soil contaminated with aluminum manufacturing. The combined Report was approved by the Department on May 5, 2021.

531 East 28th Division Highway, Lititz, PA 17543, Elizabeth Township, **Lancaster County**. Crawford Environmental Services, LLC, 20 Carinal Drive, Birdsboro, PA 19508, on behalf of Martin Paving, Inc., 631 East 28th Division Highway, Lititz, PA 17543, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on May 6, 2021.

Kevin and Donna Neff Property, 580 Zion Road, Carlisle, PA 17015, South Middleton Township, **Cumberland County**. Weaver Consultants Group, 175 Maple Hill Drive, Etters, PA 17319, on behalf of Kevin and Donna Neff, 580 Zion Road, Carlisle, PA 17015, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report did not

demonstrate attainment of the residential Statewide health standard and was disapproved by the Department on May 6, 2021.

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

NFG Supply Corporation Boone Mountain Station, 3097 Bundy Settlement Road, Brockway, PA 15824, Horton Township, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16142 on behalf of National Fuel Gas Supply Corporation, P.O. Box 2081, 1100 State Street, Erie, PA 16501 has submitted a Final Report concerning the remediation of site soil contaminated with Acenaphthene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Chrysene, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, 2-Methylnaphthalene, Phenanthrene, Pyrene, 1,1-Biphenyl, Benzene, Sec-Butylbenzene, Tert-Butylbenzene, Cyclohexane, Ethylbenzene, Isopropylbenzene, Naphthalene, Toluene, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Total Xylenes, Aluminum, Barium, Boron, Iron, Lithium, Manganese, Strontium, Vanadium, Zinc and Selenium. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on January 19, 2021.

NWREC Transformer Release Great Lakes Case & Cabinet, 4193 Route 6N, Edinboro, PA 16412, Washington Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Northwestern Rural Electric Cooperative, 22534 Highway 86, Cambridge Springs, PA 16403 has submitted a Final Report concerning remediation of site soil contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Polychlorinated Biphenyls (PCB)-1016, PCB-1221, PCB-1232, PCB-1242, PCB-1248, PCB-1254, and PCB-1260. The Final report demonstrated attainment of the Statewide health standard and was approved by the Department on January 25, 2021.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 101702. PA Waste Transfer, LLC, 174 Quarry Road, Coal Township, PA 17866, Coal Township, **Northumberland County**. This is a permit renewal for the operation of the PA Waste Transfer, LLC Transfer Station. The permit was issued by DEP Northcentral Regional Office on May 6, 2021.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania 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.

GP3-15-0080: Terra Technical Services, LLC (1818 West Strasburg Road, West Bradford, PA 19320) authorization to operate two (2) crushers (Source ID 102 and 103) and (1) screen (Source ID 104) to process demolished concrete into aggregate for re-use on a temporary basis not to exceed 24 months. The facility is located in West Bradford Township, **Chester County**.

GP9-15-0035: Terra Technical Services, LLC (1818 West Strasburg Road, West Bradford, PA 19320) authorization to operate three (3) diesel engines (Source ID 105, 106, 107) supporting three (3) portable non-metallic processing plants operating under GP3-15-0080. The facility is located in West Bradford Township, **Chester 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.

GP1-39-005: Nestle Waters North America, Inc. (405 Nestle Way, Breinigsville, PA 18031) on May 6, 2021, for the operation of a natural gas fired boiler at the facility located in Upper Macungie Township, **Lehigh 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.

GP1-67-03072A: Kleen Tech, Inc. (P.O. Box 1369, Hickory, NC 28603) on May 7, 2021, for one existing natural gas-fired boiler, 12.553 MMBtu, at the industrial laundry facility located in West Manchester Township, **York County**. The general permit authorization was renewed.

GP1-01-05033C: Knouse Foods Cooperative, Inc. (800 Peach Glen—Idaville Road, Peach Glen, PA 17375) on May 11, 2021, for an existing 29.05 MMBtu natural gas/# 2 oil-fired boiler, under GP1, at the fruit processing facility located in Tyrone Township, **Adams County**. The general permit authorization was renewed.

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

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

GP1-55-069A: Bingaman & Son Lumber, Inc. (1195 Creek Mountain Road, Kreamer, PA 17833) on May 5,

2021, to construct and operate one Hurst model EURO 600-150-G33 natural gas-fired boiler rated at a maximum 23.62 MMBtu/hr of heat input pursuant to the General Plan Approval and General Operating Permit for Small Gas & No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) at the Kreamer Yard located in Middlecreek Township, **Snyder County**.

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

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

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

39-00112A: Trinity Glass International Inc. (8014 Industrial Blvd., Breinigsville, PA 18031-1225) issued on May 6, 2021 for the modification and operation of a door manufacturing facility process at the facility located in Upper Macungie Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

36-05142D: Mars Wrigley Confectionery US, LLC (295 South Brown Street, Elizabethtown, PA 17022) on April 30, 2021, for the construction of a new Jetzone # 3 roasting line and an allowable increase in VOC emissions of 9.37 tpy for the existing Jetzone # 1 roasting line at the chocolate manufacturing plant in Elizabethtown Borough, **Lancaster County**.

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

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

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

23-0223: LCP Generation Partners, LP, (170 N. Radnor Chester Rd., Ste. 101, Radnor, PA 19087) on May 6, 2021, for the installation and temporary operation of a 2-MW Combined Heat and Power (CHP) System at their facility located in Radnor Township, **Delaware County**.

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

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

08-000100: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on May 5, 2021, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 11, 2021 to November 7, 2021, at their facility located in North Towanda Township, **Bradford County**. The plan approval has been extended.

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

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

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

08-00004: Rynone Manufacturing Corporation (P.O. Box 128, Sayre, PA 18840) on May 5, 2021, was issued a renewed Title V Operating Permit for the Sayre Plant located in Sayre Borough, **Bradford County**. The facility's sources include four vanity/countertop manufacturing lines for mixing, molding, casting and gel coating; various cleanup operations and miscellaneous combustion sources. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

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.

01-05044: Hunterstown Power, LLC—Peaking Station (1890 Granite Station Road, Gettysburg, PA 17325), on May 7, 2021, for the electric peaking station located in Straban Township, **Adams County**.

28-03069: Advanced Pellet Technology LLC (13424 Pennsylvania Avenue, Suite 303, Hagerstown, MD 21742-2686) on May 7, 2021, for the operation of a pellet plant facility in Waynesboro Borough, **Franklin County**.

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) on May 5, 2021 was issued a State Only Operating Permit for their animal feed mill (Benton Mill) located in Benton Township, **Columbia County**. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00007: Sensus USA, Inc. (805 Liberty Boulevard, DuBois, PA 15801) on May 5, 2021, was issued a State Only Operating Permit renewal for operation of their Liberty Boulevard Plant # 1 and the sources within this facility, located in City of DuBois, **Clearfield County**. All applicable Federal and state regulatory requirements including appropriate testing, monitoring, recordkeeping, reporting, and work practice to verify compliance are included in the permit.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

11-00052: Pennsylvania Department of Labor & Industry (727 Goucher Street, Johnstown, PA 15905-3025). In accordance with 25 Pa. Code §§ 127.441 and

127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, State Only Operating Permit for the continued operation of a boiler house at an occupational retraining institution, known as the Hiram G. Andrews Center, located in Upper Yoder Township, **Cambria County**.

The primary sources at the boiler house are two boilers. Each of these boilers (Boilers # 1 and # 2, Source IDs 034 and 035, 25.2 MMBtu/hr, each) is natural gas-fired with distillate oil fuel backup. The facility also contains four, reciprocating, emergency generator engines. Three engines are propane-fueled, spark ignition, with rated capacities of 225-bhp, 225-bhp, and 120-bhp. The other engine is diesel, compression ignition, with a rated capacity of 225-bhp.

Annual potential emissions are 66 tons of CO, 14 tons of NO_x, 2 tons of PM₁₀, 2 tons of PM_{2.5}, 2 tons of VOC, 1 ton of SO₂, 0.5 ton of all HAPs combined, and 26,639 tons of CO_{2e}. Sources at the Torrance State Hospital are subject to 40 CFR Part 60, Subpart A—General Provisions, and 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. Sources are also subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, operational, monitoring, testing, recordkeeping, and reporting requirements for the plant.

The application, the DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-11-00052) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with Pa. Code Title 25 § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place, and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

30-00116: Columbia Gas Transmission, LLC (455 Racetrack Road, Washington, PA 15301). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue a renewal Synthetic Minor Operating Permit for operation of the Waynesburg Compressor Station located in Franklin Township, **Greene County**.

Equipment covered by this operating permit includes five (5) natural gas-fired Solar Saturn turbines, one (1)

natural gas-fired Solar Centaur turbine, one (1) Waukesha natural gas-fired emergency generator engine, one (1) natural gas-fired fuel line heat exchanger, forty (40) natural gas-fired catalytic space heaters, gasoline storage tanks, and pipeline liquids storage tanks.

Potential emissions for the facility including emission restrictions have been calculated as follows: 63.4 tons per year of carbon monoxide (CO), 96.0 tons per year of nitrogen oxides (NO_x), 6.42 tons per year of particulate matter less than 10-microns (PM₁₀), 6.42 tons per year of particulate matter less than 2.5-microns (PM_{2.5}), 0.42 ton per year of sulfur oxides (SO₂), 3.16 tons per year of volatile organic compounds (VOC), 0.47 ton per year of formaldehyde, 0.71 ton per year of total Hazardous Air Pollutants (HAP), and 69,609 tons per year of greenhouse gases (GHGs).

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121–145. The proposed operating permit includes emission limitations, monitoring, work practice standards, reporting, and recordkeeping requirements for the facility.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 30-00116) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

56-00119: West Salisbury Foundry & Machine Co., Inc. (P.O. Box 541, Salisbury, PA 15558-0541). In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) intends to issue an Air Quality State Only Operating Permit (SOOP) renewal to West Salisbury Foundry & Machine to authorize the operation of a traditional iron job-shop foundry producing iron castings for general industry. The facility is located in Elk Lick Township, **Somerset County**.

Operations at this facility include melting, molding, mixing, and preparing sand for molds, refining, casting iron as well as cleaning and grinding the casting. The emission sources at this facility are a small coal fired

boiler, pouring, casting & cooling operations, large shot blast machine, electric induction furnaces, and casting finishing operation. There are several dust collectors to control emissions and they are exhausted indoors. The estimated emissions from this facility are 5.984 tons/yr of particulate material (PM₁₀), 0.346 ton/yr of oxides of nitrogen (NO_x), 1.308 tons/yr of oxides of sulfur (SO_x), 2.036 tons/yr of volatile organic compound (VOCs) and 0.1 ton/yr of HAPs. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121–145, MACT requirements established under 40 CFR Part 63, Subpart ZZZZZ for small foundry and 40 CFR 63, Subpart JJJJJJ for the coal-fired boiler.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (56-00119) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

West Salisbury' State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the West Salisbury' State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

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

33-00133: HRI Inc. (1750 W College Ave, State College, PA 16801-2719). On May 4, 2021, the Department issued the renewal 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 contains emission restrictions, recordkeeping, work practices, 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). On May 4, 2021, the Department issued the renewal 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 contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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.

01-05043: AMZ Manufacturing Corporation (407 North Avenue, East Berlin, PA 17316-7813) on May 11, 2021, for the surface coating facility located in East Berlin Borough, **Adams County**. The State-Only Permit was administratively amended to reflect a change of ownership.

07-03058: NPC, Inc. (13710 Dunnings Highway, Claysburg, PA 16625-7802) on May 4, 2021, for the printing facility located in Greenfield Township, **Blair County**. The State-Only Permit was administratively amended in order to incorporate the requirements of Plan Approval No. 07-03058B.

22-05012: Cleveland-Cliffs Steelton, LLC (215 South Front Street, Steelton, PA 17113-2538) on May 5, 2021, for the steel manufacturing facility in Steelton Borough, **Dauphin County**. The Title V permit was administratively amended to reflect a change of ownership.

28-05002: US Army Letterkenny Army Depot (AMLD-EN, Chambersburg, PA 17201-4150) on May 7, 2021, for the Letterkenny Army Depot located in Letterkenny Township, **Franklin County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 28-05002O.

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

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

08-00001: Tennessee Gas Pipeline Company LLC (1001 Louisiana St., Ste. 1000, Houston, TX 77002-5089) was issued an administrative amendment permit revision on May 5, 2021, to reflect recent changes to the company

contact information regarding the Responsible Official and Permit Contact of the Wyalusing Station 319 (facility), located in Wyalusing Township, **Bradford County**. All applicable regulatory requirements, including testing, monitoring, recordkeeping, reporting and work practice conditions, are included in the revised permit.

08-00009: Tennessee Gas Pipeline Company LLC (1001 Louisiana St., Ste. 1000, Houston, TX 77002-5089) was issued an administrative amendment permit revision on May 5, 2021, to reflect recent changes to the company contact information regarding the Responsible Official and Permit Contact of the Troy Station 317 (facility), located in Troy Township, **Bradford County**. All applicable regulatory requirements, including testing, monitoring, recordkeeping, reporting and work practice conditions, are included in the revised permit.

59-00008: Tennessee Gas Pipeline Company LLC (1001 Louisiana St., Ste. 1000, Houston, TX 77002-5089) was issued an administrative amendment permit revision on May 5, 2021, to reflect recent changes to the company contact information regarding the Responsible Official and Permit Contact of the Wellsboro Station 315 (facility), located in Charleston Township, **Tioga County**. All applicable regulatory requirements, including testing, monitoring, recordkeeping, reporting and work practice conditions, are included in the revised permit.

41-00005: Lycoming Engines (652 Oliver Street, Williamsport, PA 17701) on May 5, 2021, was issued a revised Title V operating permit for their Oliver Street Plant located in the City of Williamsport, **Lycoming County** for a change in the Responsible Official and their designated representative for the facility. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

20-00037: US Bronze & Machine Incorporated (18649 Brake Shoe Road, Meadville, PA 16335-9603). The Department on May 3, 2021 issued an administrative amendment of the State Operating Permit for the facility located in Woodcock Township, **Crawford County**. The amendment incorporates the requirements of plan approval 20-037B.

25-00995: Essentra Components McClelland Avenue Facility (3123 Station Road, Erie, PA 16510-6501). The Department on May 3, 2021 issued an administrative amendment of the State Operating Permit for the facility located in Erie City, **Erie County**. The amendment incorporates the requirements of plan approval 25-995D and updates the permit contact.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00066: Exelon Generation Co/Fairless Hills Generation Station (990 Port Road S, Fairless Hills, PA 09002) on May 7, 2021, the operating permit was revoked

because of the permanent shutdown of the operation of an electric generation facility located in Falls Township, Bucks County.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Issued

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

NPDES No. PA0269867 (Government Financed Construction Contract (GFCC) No. 17-16-01), Corey L. Shawver DBA Hilltop Coal Company, 12 Dutchtown Road, Houtzdale, PA 16651, new NPDES permit for discharge of water resulting from reclaiming abandoned mine land in Bigler Township, Clearfield County affecting 50.3 acres. Receiving stream(s): Japling Run, classified for the following use(s): Cold Water Fishes and Migratory Fishes. Application received: November 13, 2018. Application issued: May 5, 2021.

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

Permit No. 40850203R7. Silverbrook Anthracite, Inc., 1 Market Street, Laflin, PA 18702, renewal of an existing anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in Newport Township, Luzerne County affecting 49.6 acres. Receiving stream: South Branch Newport Creek. Application received: July 24, 2020. Renewal issued: May 5, 2021.

Permit No. PAM115013R. Silverbrook Anthracite, Inc., 1 Market Street, Laflin, PA 18702, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 40850203 in Newport Township, Luzerne County, receiving stream: South Branch Newport Creek. Application received: July 24, 2020. Renewal issued: May 5, 2021.

Permit No. GP12-40850203R3. Silverbrook Anthracite, Inc., 1 Market Street, Laflin, PA 18702, renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40850203 in Newport Township, Luzerne County. Application received: July 24, 2020. Permit renewed: May 5, 2021.

Permit No. PAM111084R. Jeddo-Highland Coal Company, 144 Brown Street, Yatesville, PA 18640, renew

coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 40663027 in Hazle Township, Luzerne County, receiving stream: Black Creek. Application received: December 14, 2020. Renewal issued: May 5, 2021.

Noncoal Permits Issued

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

Permit No. 16940308. County Landfill, Inc., 11 Boggs Road, P.O. Box 47, Imperial, PA 15126, renewal of NPDES Permit No. PA0226939 in Farmington Township, Clarion County. Receiving stream(s): Toby Creek, an unnamed tributary to Licking Creek, and an unnamed tributary to Toby Creek. Application received: December 21, 2020. Permit issued: April 5, 2021.

Permit No. 37190302. Three Rivers Aggregates, LLC, 1807 Shenango Road, New Galilee, PA 16141, revision to an existing large industrial minerals surface mine to add a stream variance in Taylor Township, Lawrence County. Receiving streams: Unnamed tributaries to the Beaver River. Application received: December 8, 2020. Permit issued: April 19, 2021.

Permit No. 24589-37190302-E-2. Three Rivers Aggregates, LLC, 1807 Shenango Road, New Galilee, PA 16141, application for a stream encroachment to conduct mining activities within 100 feet but no closer than 35 feet of Unnamed Tributary No. 1 to the Beaver River in order to remove sand and gravel and allow for better reclamation in Taylor Township, Lawrence County. Receiving stream(s): Unnamed tributaries to the Beaver River. Application received: December 8, 2020. Permit issued: April 19, 2021.

Permit No. 25100303. McDonald Sand & Gravel, Inc., 11425 Neiger Road, Girard, PA 16417, renewal of NPDES Permit No. PA0258997 in Springfield Township, Erie County. Receiving stream(s): None. Application received: November 16, 2020. Permit issued: April 26, 2021.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

BLASTING PERMITS ISSUED

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

Permit No. 10214001. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141. Blasting activity permit to blast at Hawkins Crest residential development located in Middlesex Township, Butler County. This blasting activity permit will expire on December 1, 2021. Permit issued: April 19, 2021.

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

Permit No. 59214001. Precision Geophysical, Inc., 2695 State Route 83 South, Millersburg, OH 44654. Blasting for Seismic Exploration located in Ward Town-

ship, **Sullivan County** with an expiration date of April 30, 2022. Permit issued: April 30, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 03214001. Precision Geophysical, Inc., 2695 State Route 83 South, Millersburg, OH 44654. Blasting activity permit for the construction of the Kittinging Township 2D, located in Applewold Borough, Rayburn, Kittanning, North Buffalo, Manor, Burrell, South Bend and Plumcreek Townships, **Armstrong County** with an expiration date of April 21, 2022. Blasting permit issued: May 3, 2022.

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

Permit No. 36214119. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Scenic Ridge in Upper Leacock Township, **Lancaster County** with an expiration date of June 30, 2021. Permit issued: May 5, 2021.

Permit No. 48214108. Valley Rock Solutions, LLC, P.O. Box 246, Macungie, PA 18062, construction blasting for Male Road Warehouse in Plainfield Township and Wind Gap Borough, **Northampton County** with an expiration date of December 29, 2021. Permit issued: May 10, 2021.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.

Permit No. E0901120-028, Pennsylvania Department of Transportation, Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Richland and Milford Townships, **Bucks County**, ACOE Philadelphia District.

The Pennsylvania Department of Transportation (PennDOT District 6-0) is proposing to perform the following water obstruction and encroachment activities associated with the Portzer Road (T-354) at Bethlehem Pike (S.R. 4063) Roundabout Project and includes stream mitigation along the north side of the intersection:

1. To remove an existing 18-inch diameter, 100-foot long RCP stream enclosure carrying an unnamed tributary to Unami Creek (S-1A, S1-B, HQ-TSF, MF) and in its place, construct and maintain a 30-inch diameter, 300-foot long RCP stream enclosure resulting in 341 linear feet (2,235 square feet) of permanent watercourse impact, 167 linear feet (883 square feet) of temporary watercourse impact, 25,467 square feet of permanent floodway impact, and 6,429 square feet of temporary floodway impact.

2. To remove an existing 15-inch diameter, 40-foot long PPE culvert carrying an unnamed tributary to Unami Creek (S-2A, HQ-TSF, MF) and in its place, construct and maintain a 19-inch by 30-inch elliptical RCP culvert resulting in 44 linear feet (205 square feet) of permanent watercourse impact, 2 linear feet (11 square feet) of temporary watercourse impact, 5,207 square feet of permanent floodway impact, and 906 square feet of temporary floodway impact.

3. To place fill associated with roundabout construction within an unnamed tributary to Unami Creek (S-3A, HQ-TSF, MF) resulting in 236 linear feet (752 square feet) of permanent watercourse impact, 50 linear feet (108 square feet) of temporary watercourse impact, 11,367 square feet of permanent floodway impact, and 3,462 square feet of temporary floodway impact.

4. To restore 617 linear feet of an unnamed tributary to Unami Creek (S-1C, HQ-TSF, MF) and its floodway as compensation for permanent stream loss. This activity also includes the construction of a pedestrian trail within the floodway of the stream restoration resulting in 22,736 square feet of permanent floodway impact and 9,845 square feet of temporary floodway impact.

5. To impact three wetland areas (W1—PEM/PSS, W2—POW/PEM, and W5—PEM) associated with roadway construction, construction of pedestrian trails, and temporary erosion and sedimentation measures resulting in 2,038 square feet (0.047 acre) of permanent wetland impact and 2,029 square feet (0.047 acre) of temporary wetland impact.

There is a total of 64,777 square feet (1.487 acre) of permanent floodway impact and 20,642 square feet (0.474 acre) of temporary floodway impact associated with this project and are included with the impacts previously stated. This project at the intersection of Portzer Road and Bethlehem Pike in Richland and Milford Townships, Bucks County (USGS PA Quakertown Quadrangle—Latitude: 40.450054 N, Longitude: 75.372763 W). Permit issued May 3, 2021.

Permit No. E1501221-001, Mountain Laurel Fund-ing Company, LLC, 155 North Wacker Drive, Suite 4250, Chicago, IL 60606, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain approximately 80 linear feet of a new 8-inch diameter DIP sanitary sewer pipe across an unnamed tributary to Valley Creek (EV) for the purpose of connecting two new office Buildings 4 and 5 to the existing infrastructure. This permit was issued under Permit No. E15-857 in 2017.

The site is located on the campus of 20 Moores Road (Malvern, PA; Latitude: 40:054040; Longitude: -75:558399) in East Whiteland Township, Chester County. Permit issued May 6, 2021.

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

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

E4002220-027. IRIS USA, Inc., 13423 W. Cactus Road, Surprise, AZ 85379, Hazle Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the IRIS USA Lot # 103 Project:

1) A fill within normal pool elevation of thirty (30) individual lacustrine waterbodies associated with former mining activities within the Cranberry Creek Watershed (CWF, MF) totaling 1.674 acres. The purpose of these impacts is for the construction of a 502,773 ft² commercial building and associated access roads and parking lots on CanDo Lot # 103. This is an after-the-fact authorization.

2) A stream enclosure of a UNT to Cranberry Creek (CWF, MF) consisting of a 144-LF, 24-inch diameter SLCCP having concrete wingwalls, riprap, and an invert depressed 6-inches below natural streambed elevation.

3) A utility line crossing of a UNT to Cranberry Creek (CWF, MF) consisting of an overhead electrical line. This is an after-the-fact authorization.

4) A utility line crossing of a PEM wetland consisting of an overhead electrical line. This is an after-the-fact authorization.

5) A utility line crossing of an enclosed portion of a UNT to Cranberry Creek (CWF, MF) consisting of a 2-inch diameter ductile iron water pipe. This is an after-the-fact authorization.

6) A utility line crossing of an enclosed portion of a UNT to Cranberry Creek (CWF, MF) consisting of a 12-inch diameter ductile iron fire service water pipe. This is an after-the-fact authorization.

7) A utility line crossing of an enclosed portion of a UNT to Cranberry Creek (CWF, MF) consisting of a 6-inch diameter ductile iron fire department connection water pipe. This is an after-the-fact authorization.

8) A utility line crossing of an enclosed portion of a UNT to Cranberry Creek (CWF, MF) consisting of a 2-inch diameter MDPE gas service pipe. This is an after-the-fact authorization.

9) A utility line crossing of an enclosed portion of a UNT to Cranberry Creek (CWF, MF) consisting of an 8-inch diameter plastic sewer pipe. This is an after-the-fact authorization.

10) A channel change of a UNT to Cranberry Creek (CWF, MF) consisting of a 479-LF, 16-foot wide, 1-foot deep constructed stream channel having a 2-foot wide low flow channel, 3:1 side slopes, four (4) rock cross vanes, boulder placement, a streambed comprised of natural streambed material, and longitudinal slopes ranging from 0.5% to 1.74%.

The project is located at Lot # 103 in the CanDo Industrial Park, approximately 0.88-mile southwest of the intersection of S.R. 940 and I-81 (Conyngham, PA Quadrangle Latitude: 40° 55' 50.8"; Longitude: -76° 01' 51.22") in Hazle Township, Luzerne County.

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

E0603220-024, Amendment to E06-711. Western Berks Water Authority, 91 Water Road, Sinking Spring, PA 19608. Lower Heidelberg Township, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 48-inch diameter raw water line in and along the floodway and floodplain of Tulpehocken Creek (CWF, MF) permanently impacting 41,000 square feet of floodway from grading to accommodate the line, and to construct and maintain a 48-inch diameter line in and across a UNT to Tulpehocken Creek (CWF, MF) permanently impacting 20 linear feet (Latitude 40° 21' 53", Longitude -76° 1' 34") for the purpose collecting raw water from the Blue Marsh Dam impoundment. The project is located just downstream of the Blue Marsh Dam in Lower Heidelberg Township, Berks County. Permit issued May 7, 2021.

E0703220-024. Allegheny Township Sewer & Water Authority, 3131 Colonial Drive, Duncansville, PA 16648. Allegheny Township, **Blair County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain approximately 7,850 feet of 8-inch sanitary sewer main extension involving two utility line crossings of a UNT to Spencer Run (WWF, MF), and three permanent wetland impacts totaling 0.061 acre of exceptional value wetlands, all for the purpose of upgrading multiple residences from on-lot septic systems. The project is located in the area of Burns Avenue (T-432) and Mill Road (T-406) in Allegheny Township, Blair County (40.5645, -78.4445). No wetland loss authorized, and no wetland replacement required. Permit issued May 6, 2021.

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

E4104220-032. Millers Run Greenway Trail—Phase 2, Miller Run Greenway Trail, Williamsport, PA 17754, Loyalsock Township, **Lycoming County**, U.S. Army Corps of Engineers Baltimore District (Montoursville

North; Montoursville South, PA Quadrangles, Latitude: 41.25303°N; Longitude: 76.97275°W).

The applicant will connect Susquehanna River Walk to Bruce Henry Park. Which is Phase 2 of the proposed Millers Run Greenway Trail. The proposed trail will consist of either plain cement concrete pavement or superpave asphalt mixture design. Work done will be along Millers run a Warm Water Fishery or WWF that supports Migratory Fish or MF. The total estimated permanent stream impact is 345 feet. There are .1 acre of wetlands within the vicinity of the project area that will not be impacted. Grading of trail begins at 10+07.03 and ends at 30+74.66. The entire project for phase 2 starts at station 10+00 and ends at station 48+00.

Southwest Region: Dana Drake, Waterways and Wetlands Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

E63052-731, John E. Tarr & Bo E. Tarr, 45 Arden Road, Washington, PA 15301-8626, Canton Township, **Washington County**; Pittsburgh ACOE District.

Has been given consent to:

Place and Maintain 6,250 cy of earthen material within 2.15 acres of the FEMA floodway of Chartiers creek (WWF), for the purpose of expanding the existing Tarr supply yard. This permit is after-the-fact for work already completed on site. The project site is located near the intersection of SR 844/Jefferson Avenue and Majewski Park (a private road) (Washington West), PA USGS topographic quadrangle; N: 40°, 11', 25"; W: -80°, 16', 11"; Sub-basin 20F; USACE Pittsburgh District), in Canton Township, Washington County.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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.

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

ESCGP-3 # ESG296621002-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Wyoming
Township(s) Windham
Receiving Stream(s) and Classification(s) UNT Sugar Run Creek (CWF, MF), Sugar Run Creek (CWF, MF)
Secondary: Susquehanna River (WWF, MF), Susquehanna River (WWF, MF)

ESCGP-3 # ESG290821018-00
Applicant Name Repsol Oil & Gas USA, LLC
Contact Person Tom Cassetta
Address 337 Daniel Zenker Drive
City, State, Zip Horesheads, NY 14845-1008
County Bradford
Township(s) Troy
Receiving Stream(s) and Classification(s) UNT to North Branch Sugar Creek (TSF/MF)
Secondary: North Branch Sugar Creek (TSF/MF)

ESCGP-3 # ESG290821025-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford
Township(s) Terry
Receiving Stream(s) and Classification(s) UNT to Sugar Run (CWF, MF), UNT to Foster Branch (CWF, MF); Sugar Run (CWF, MF), Sugar Run (CWF, MF)

ESCGP-3 # ESG290821030-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford
Township(s) Smithfield
Receiving Stream(s) and Classification(s) Tomjack Creek (TSF, MF)
Secondary: Sugar Creek (WWF, MF)

ESCGP-3 # ESG295821015-00
Applicant Name Cabot Oil & Gas Coporation
Contact Person Kenneth Marcum
Address 2000 Park Lane, Ste 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna
Township(s) Springville
Receiving Stream(s) and Classification(s) Pond Brook (CWF, MF)
Secondary: Meshoppen Creek (CWF, MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

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

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial

action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or 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 DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

DEP 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.

Weis Gas N Go 202 (former Luk Oil), Storage Tank ID # 39-42588, 1340 North Cedar Crest Boulevard, Allentown, PA 18104, South Whitehall Township, **Lehigh County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of Cross America Partners, 600 Hamilton Street, Suite 500, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

Zenith Energy Dupont Terminal, Storage Tank ID # 40-50346, 674 Suscon Road, Dupont, PA 18640, Pittston Township, **Luzerne County**. Onesky Engineering, 510 Wellington Square, # 412, Exton, PA 19341, on behalf of Zenith Energy Terminals PA Holdings, LLC, 3000 Essex Lane, Suite 700, Houston, TX 77027, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet a combination of Site-Specific and Statewide health standards.

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

Contact: Greg Bowman, Environmental Group Manager.

Dutch Kitchen Mobil, Storage Tank Primary Facility ID # 06-42036, Route 183 and Interstate 78, Strausstown, PA 19559, Upper Tulpehocken Township, **Berks County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Mr. Pat Garrett, 8373 Route 183, Bethel, PA 19507 submitted a Remedial Action Plan concerning remediation of soil and groundwater contami-

nated with petroleum constituents. The report is intended to document remediation of the site to meet the site-specific standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Environmental Group Manager, Storage Tanks Program.

Super Valu, Storage Tank Facility ID # 65-11809, 400 Paintersville Rd., New Stanton, PA 15672, Hempfield Township, **Westmoreland County**. Cribbs & Associates Inc., P.O. Box 44, Delmont, PA 15626, on behalf of SuperValu Inc., 400 Paintersville Rd., New Stanton, PA 15672, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

Former 7 Eleven Store No. 36199, Storage Tank Facility ID # 02-80296, 1102 Perry Highway, Pittsburgh, PA 15237, Pittsburgh City, **Allegheny County**. AECOM, Inc., 625 W. Ridge Pike, Ste. E-100, Conshohocken, PA 19428, on behalf of 7-Eleven, Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221-0711, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

Former Uni-Mart Gas Station, Storage Tank Facility ID # 30-32254, 695 E. High St., Waynesburg, PA 15370, Waynesburg Borough, **Greene County**. Moody and Associates, Inc., 199 Johnson Rd., Bldg. 2, Ste. 101, Houston, PA 15342, on behalf of S.E.F. Inc., 743 E. High St., Waynesburg, PA 15222, submitted a revised Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

Former Bowers BP, Storage Tank Facility ID # 63-09701, 130 E. Main St., Monongahela, PA 15063, Monongahela City, **Washington County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia St., Canonsburg, PA 15317, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

Round Town Gas Store 5950, Storage Tank Facility ID # 02-80981, 2094 Brush Creek Rd., Warrendale, PA 15086, Marshall Township, **Allegheny County**. CORE Environmental Services Inc., 3960 William Flinn Hwy., Ste. 100, Allison Park, PA 15101, on behalf of Kramer Strategic LLC, 180 Cook St., Denver, CO 80286, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Contact: Kim Bontrager, Clerk Typist 3.

Leos 3 Car Wash, Storage Tank Facility ID # 25-90615, 2938 West 26th Street, Erie, PA 16506-2502,

Millcreek Township, **Erie County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Mr. James Doleski, 2938 West 26th Street, Erie, PA 16506, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan is intended to document the remedial actions for meeting the Statewide health standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The Department of Environmental Protection (DEP) Has Taken Action on The Following Plans And Reports Under The Storage Tank And Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

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

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

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

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

DEP 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.

Al's Quick Stop PA0022 Dunmore, Storage Tank ID # 35-01851, 1220 Wheeler Avenue, PA 18512, Dunmore Borough, **Lackawanna County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of Dunne Manning Realty LP, 645 Hamilton Street, Suite 500, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of soil contaminated with gasoline. The Remedial Action Plan

was acceptable to meet Statewide health standards and was approved by DEP on May 11, 2021.

Former Michael's Auto Service, Storage Tank ID # 48-24040, 3780 Airport Road, Allentown, PA 18103, Hanover Township, **Northampton County**. Rettew Associates, 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Lehigh-Northampton Airport Authority, 3311 Airport Road, Allentown, PA 18109, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of a combination of site-specific and Statewide health standards and was approved by DEP on May 11, 2021.

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

Contact: Cherie M. Campbell, Soil Scientist.

Former Rinehart's Auto Sales, Storage Tank Facility ID # 01-97859, 443 York Street, Gettysburg, PA 17325-2008, Gettysburg Borough, **Adams County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Boyd E. Rinehart Estate, 443 York Street, Gettysburg, PA 17325-2008 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the nonresidential Statewide health standard and was approved by DEP on May 11, 2021.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Environmental Group Manager, Storage Tanks Program.

Wyandt's One Stop, Storage Tank Facility ID # 56-10864, 312 N. Main St., Davidsville, PA 15928, Conemaugh Township, **Somerset County**. DMS Environmental Services, LLC, 103 S. Spring St., Bellefonte, PA 16823, on behalf of Mr. Don Wyandt, 312 N. Main St., Davidsville, PA 15928, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The combined Site Characterization Report and Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on April 14, 2021.

Former Pennzoil Quaker State Facility No. 3112, Storage Tank Facility ID # 65-01194, 731 S. Main St., Greensburg, PA 15601, SW Greensburg Borough, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Dr., Cranberry Township, PA 16066, on behalf of Shell Oil Products US SAP—171188, 20945 S. Wilmington Ave., Carson, CA 90810, submitted a revised Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan demonstrated attainment of the Statewide health standard and was approved by DEP on April 19, 2021.

Former Berlin Auto, Storage Tank Facility ID # 56-81167, 3512 Berlin Plank Rd., Berlin, PA 15530, Berlin Borough, **Somerset County**. Appalachian Engineering Group, 213 Dale St., Ste. 1, P.O. Box 162, Meyersdale, PA 15552, on behalf Berlin Auto, LLC, 913 Rockdale Rd., Rockwood, PA 15557, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report did not

demonstrate attainment of the Statewide health and site specific standards and was disapproved by DEP on April 19, 2021.

Siemon's Lakeview Manor Nursing and Rehabilitation, Storage Tank Facility ID # 56-00279, 228 Siemon Dr., Somerset, PA 15501, Somerset Township, **Somerset County**. CORE Environmental Services Inc., 3960 William Flinn Hwy., Ste. 100, Allison Park, PA 15101, on behalf Consulate Health Care, 800 Concourse Parkway S., Maitland, FL 32751, submitted a combined Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on April 27, 2021.

FedEx Freight, Storage Tank Facility ID # 02-38890, 2081 Kramer Rd., Gibsonia, PA 19044, Richland Township, **Allegheny County**. Terracon Consultants, Inc., 47 Runway Rd., Ste. 1, Levittown, PA 19057, on behalf of FedEx Freight, Inc., 2200 Forward Dr., Harrison, AR 72601, submitted a combined Site Characterization Report and Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The combined Site Characterization Report and Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on April 14, 2021.

Conway Superette, Storage Tank Facility ID # 04-24790, 1120 13th St., Conway, PA 15027, Conway Borough, **Beaver County**. Flynn Environmental, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of Nund Oil, 514 State St., Baden, PA 15005, submitted a Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan demonstrated attainment of the Statewide health and site specific standards was approved by DEP on April 7, 2021.

Former BP Service Station No. 07264, Storage Tank Facility ID # 04-14083, 1008 Midland Ave., Midland, PA 15059, Midland Borough, **Beaver County**. Antea USA, Inc., 535 Rt. 38, Ste. 203, Cherry Hill, NJ 08002, on behalf of BP Products North America, Inc., 3343 Lapp Lane, Naperville, IL 60564, submitted a combined Site Characterization Report, Remedial Action Plan and Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The combined Site Characterization Report, Remedial Action Plan and Remedial Action Completion Report demonstrated attainment of the Statewide health and site specific standards was approved by DEP on April 4, 2021.

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

Contact: Kim Bontrager, Clerk Typist 3.

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 Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on April 23, 2021.

Hilltop Mini Mart, Storage Tank Facility ID # 10-91376, 285 Chicora Road, Butler, PA 16001, Oakland Township, **Butler County**. Applied Geology and Environmental Science, Inc., 2402 Hookstown Grade Road, Suite 200, Clinton, PA 15026, on behalf of Source One Transportation, LLC, 200 Speers Road, Belle Vernon, PA 15012 and Sunrise United, Inc., 285 Chicora Road, Butler, PA 16001, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the residential used aquifer Statewide health standard and was approved by DEP on May 5, 2021.

Mt. Jewett Marketplace 0489 1628, Storage Tank Facility ID # 42-90626, 28 West Main Street, Mount Jewett, PA 16740, Mount Jewett Borough, **McKean County**. Letterle and Associates, 191 Howard Street, Suite 108, Franklin, PA 16323, on behalf of Schmitt Sales, Inc., 2101 Saint Rita's Lane, Buffalo, NY 14221-2055, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, MTBE, cumene, naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and xylenes. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on May 5, 2021.

[Pa.B. Doc. No. 21-807. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 32(3246)101.1, Abandoned Mine Reclamation Project, Upper Two Lick West, White Township, Indiana County. The principal items of work and approximate quantities include: 8-inch PVC pipe including fittings, 1,250 linear feet; 8-inch ductile iron pipe including fittings, 2,900 linear feet; 6-inch ductile iron pipe including fittings, 2,075 linear feet; service lateral connections—3/4-inch service, 22 each; gas line crossing, 150 linear feet; stream crossing, 120 linear feet; 2-inch automatic air release valve, 3 each; and typical above ground blow-off assembly, 3 each.

This bid issues on May 7, 2021, and bids will be opened on June 3, 2021, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Small Diverse Business/Veteran Business Enterprise goals have been set for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-808. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Opening of New Grant Round for Recycling Program Development and Implementation Grants under Section 902 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 section 902 grant round to support the development of municipal recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) (53 P.S. § 4000.902). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation). The application deadline is September 24, 2021, at 5 p.m.

Application Requirements

Municipalities who did not receive a section 902 grant award in 2020 will receive additional consideration for funding during this solicitation period. All municipalities compliant with Act 101 are eligible and may apply. Applicants must be in compliance with the provisions of Act 101 and the implementing regulations, the Department's Guidelines for Proper Management of Recyclable Materials, and any previous grant contract provisions to be eligible to receive grant funding. County applicants should be in compliance with planning and other county-related provisions of Act 101. Applicants who are not in compliance with Act 101 and annual reporting requirements or the program performance recycling grant requirements of the act of November 9, 2006 (P.L. 1347, No. 140) will not be considered. Programs must operate in compliance with their municipality's land use plan where applicable.

Municipalities are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712) are eligible for 100% of approved costs. No application requesting more than \$350,000 in grant funding will be accepted.

All applicants are required to complete the Sustainability Plan portion of the application that includes definitive actions and strategies for optimizing program self-sufficiency. The plan shall include, at a minimum, strategies for reducing costs and generating revenues, provisions for establishing incentives associated with waste reduction and recycling, mechanisms for public outreach and stakeholder input, and tracking mechanisms to document progress toward sustainability milestones until optimum sustainability is realized. The Department's technical report on Building Financially Sustainable Recycling Programs can provide assistance in developing such methods and strategies. The technical report can be found on the Department's web site at

http://files.dep.state.pa.us/Waste/Recycling/RecyclingPortalFiles/Documents/fin_sust_rec.pdf. Applicants that fail to complete the Sustainability Plan portion of the application will not be considered for funding.

The following elements will receive priority for funding:

- Development and implementation of incentive-based pricing and collection programs designed to increase the quantities and types of recyclable materials and reduce the quantity of waste collected.
- Development and implementation of an organics collection or management program, or both.
- Development and implementation of multimunicipal collection, processing, or a materials marketing program, or both, where capital costs are reduced or recycling marketability is enhanced, or both, due to intergovernmental cooperation.
- Municipal recycling programs that will develop and implement methods of collection and processing of recyclable materials through source-separation, dual-stream or commingled practices. The applicant must demonstrate that these recyclable materials have value and greater marketability.
- New and innovative recycling educational programs that support the applicants' recycling collection efforts.

In addition, communities whose existing recycling programs contain the following components will receive additional consideration:

- Publicly provided or municipally contracted waste and recycling services.
- The collection of six or more of the following materials: newsprint, office paper, corrugated paper, other marketable grades of paper, aluminum cans, steel or bimetallic cans, colored glass containers, clear glass containers and plastics.
- Municipal recycling programs that are currently collecting and processing recyclable materials through source-separation, dual-stream, or commingled practices. The applicant must demonstrate that these recyclable materials have value and greater marketability.
- Incentive-based pricing and collection programs designed to increase the quantities and types of recyclable materials and reduce the quantity of waste collected.

Eligibility Requirements

Only those projects involving municipalities that have a mandatory trash collection program or projects seeking support for a residential recycling program that have a corresponding commercial recycling program will be considered for funding. Applicants seeking funds to replace curbside collection containers or collection vehicles, or both, will need to demonstrate that the new equipment will increase collection efficiencies and tonnage of materials.

Eligibility Costs

Eligible recycling program development costs include: recycling program design costs; recycling market investigations; development of recycling market commitments; development of recycling program ordinances; development of recycling public education programs; and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables, transporting recyclables to processing facilities or markets and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring or renovating buildings, or both, for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility authorized under 25 Pa. Code § 271.103(h) (relating to permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements); and the costs associated with educating the public on recycling program requirements.

Under this grant solicitation, the following will not be eligible for funding: promotional items; glass crushing equipment (unless specific marketing arrangements have been identified); vehicles equipped with compaction units (except for the sole collection of yard waste or paper fiber); and backyard composting units and public recycling containers for parks and streetscapes.

Other eligible and noneligible costs are listed in the grant application packet. Composting projects and programs will be considered to be recycling projects or programs accordingly.

A municipality must retain sole ownership of equipment or facilities funded by the grant. Funding for equipment or facilities purchased for the recycling program used for recycling and other purposes will be prorated according to its recycling use (no equipment used for recycling less than 50% of the time will be eligible for funding). Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood chipping equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines and where the material is collected curbside from residents. Funding of street sweepers for the purpose of leaf collection will not be considered.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice and an explanation of why the municipality has concluded that the mechanical processing equipment is not available to the program from the private sector.

Requirement for Preapplication Conference

Potential applicants must contact the appropriate Department regional planning and recycling coordinator to schedule a preapplication conference to discuss application requirements and program particulars. A list of these individuals is included at the end of this notice. Applications will be returned to municipalities that fail to

schedule a preapplication conference. Grant preapplication forms are available on the Department's web site, www.dep.pa.gov (search term "Recycling Grants Financial Assistance").

Application Deadline

Grant applications must be submitted online through the Commonwealth's Electronic Single Application web site, eGrants, at www.esa.dced.state.pa.us. Applications must be received by 5 p.m. Friday, September 24, 2021, 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 (53 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 Mark Vottero, 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 mvottero@pa.gov or (717) 772-5719.

Regional Planning and Recycling Coordinators

Southeast Region

(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)

Department of Environmental Protection Waste Management Program
2 East Main Street
Norristown, PA 19401
(484) 250-5900
Mary Alice Reisse, mreisse@pa.gov
Ann Ryan, aryan@pa.gov

Northeast Region

(Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties)

Department of Environmental Protection Waste Management Program
2 Public Square
Wilkes-Barre, PA 18711-0790
(570) 826-2108
Berit Case, bcase@pa.gov

Southcentral Region

(Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties)

Department of Environmental Protection Waste Management Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
(717) 705-4735
Jessica Shilladay, jesshillad@pa.gov

Northcentral Region

(Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties)

Department of Environmental Protection Waste Management Program
208 West 3rd Street, Suite 101
Williamsport, PA 17701
(570) 916-8648
Joseph Delgrippe, jdelgrippe@pa.gov

Southwest Region
(Allegheny, Beaver, Cambria, Fayette, Greene, Somerset,
Washington and Westmoreland Counties)

Department of Environmental Protection Waste Management Program
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000
Sharon Svitek, ssvitek@pa.gov
Bradley Cunningham, bcunningha@pa.gov
Bill Jester, wijester@pa.gov

Northwest Region
(Armstrong, Butler, Clarion, Crawford, Elk, Erie, Forest,
Indiana, Jefferson, Lawrence, McKean, Mercer, Venango
and Warren Counties)

Department of Environmental Protection Waste Management Program
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6981
Regina Schweinsberg, rschweinsb@pa.gov

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-809. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PA Clean Streams Law, the Dam Safety and Encroachments Act, and the Oil and Gas Act Public Notice of Settlement via Federal Consent Decree

The Department of Environmental Protection (Department), under the authority of the PA Clean Streams Law (CSL), the Dam Safety and Encroachments Act (DSEA) and the Oil and Gas Act (OGA), has entered into a federal Consent Decree (CD) along with the United States Department of Justice (DOJ) on behalf of the United States Environmental Protection Agency (EPA) (Plaintiffs collectively "the Agencies") with Defendant Chesapeake Appalachia, LLC (CALLC).

The Department is providing notice of this settlement as a courtesy to inform the public. The CD was lodged in Federal court in Williamsport for court approval on March 24, 2021 and was subject to a 30-day public comment period from the date of notice in the *Federal Register*. The CD was noticed in the *Federal Register* on March 30, 2021 and can be found at 86 FR 16641 (March 30, 2021). The CD is available at www.justice.gov/enrd/Consent_Decrees.html.

A press release about this settlement can be found on the Department's web site at www.ahs.dep.pa.gov/NewsRoomPublic/articleviewer.aspx?id=21935&typeid=1.

This CD serves to resolve violations caused by the construction and operation of oil and gas activities, including unauthorized encroachments, water obstructions, earth disturbance and stormwater management

activities in violation of Sections 401, 402 and 611 of the CSL, 35 P.S. §§ 691.401, 691.402 and 691.611, Sections 6, 13 and 18 of the DSEA, 32 P.S. §§ 693.6, 693.13 and 693.18, and Section 3259 of the OGA, 58 Pa.C.S. §§ 3259(2)(i) and (ii) and the rules and regulations thereunder. The 76 sites are located in Beaver, Bradford, Sullivan, Susquehanna and Wyoming Counties. The total disclosure of unauthorized impacts to waters of this Commonwealth include 2,326 linear feet of streams and 25.778 acres of wetlands. The CD includes a civil penalty payment of \$1.9 million dollars, of which Pennsylvania will receive 50%. The CD also provides a path for returning the sites to compliance under Pennsylvania law by addressing impacts through restoration where permits would not have been authorized and proper permitting of allowable impacts, and will include additional mitigation through stream restoration and enhancement as well as wetland replacement, restoration and enhancement. The CD requires CALLC to submit permit applications for certain unauthorized water obstructions and encroachments and earth disturbance activities.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-810. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

The Village at Penn State
160 Lion's Hill Road
State College, PA 16803
FAC ID # 15550201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

Forestview
2301 Edinboro Road
Erie, PA 16509
FAC ID # 054102

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

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

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-811. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of Proposed Appendices I and J of the Renewal of the Office of Developmental Programs' Adult Autism Waiver and Proposed Rate Setting Methodology, Fee Schedule Rates and Department-Established Fees for Services Funded through the Office of Developmental Programs' Adult Autism Waiver

The Department of Human Services (Department) is making available for public review and comment proposed Appendices I and J of the renewal of the Adult Autism Waiver, as well as the rate setting methodology used to develop the proposed Fee Schedule Rates for services funded through the Adult Autism Waiver and the proposed Department-Established Fees for residential ineligible services. The rates will be effective October 1, 2021.

Background

Home and Community-Based Waivers permitted under section 1915(c) of the Social Security Act (42 U.S.C.A. § 1396n(c)) are approved by the Centers for Medicare & Medicaid Services (CMS) for a 5-year renewal period. The current Adult Autism Waiver expires on June 30, 2021; therefore, the proposed Adult Autism Waiver renewal must be submitted to CMS for review and approval. The Department had previously made available for public review and comment proposed Appendices A—H of the Adult Autism Waiver, 51 Pa.B. 1087 (February 27, 2021).

In Appendices I and J of the request for renewal of the Adult Autism Waiver, the Department proposes the following substantive changes effective October 1, 2021:

- Homemaker/Chore, which will be added as an Adult Autism Waiver service, has been added to the services for which there will be a Medical Assistance Fee Schedule rate effective October 1, 2021.

- The factors related to estimated annual average per capita Medicaid costs in Appendix J have been updated to reflect the most recent data available. These factors are Factor D' Derivation, Factor G Derivation and Factor G' Derivation.

- The 5-year average cost per unit of service estimates in Appendix J have been updated to reflect the proposed Fee Schedule Rates contained in this notice.

CMS through its Home and Community-Based Waiver Instructions, Technical Guide and Review Criteria (Technical Guide), requires the Department to review its rate setting methodology at a minimum every 5 years to ensure that rates are adequate to maintain an ample provider base and to ensure quality of services. The Department has not reviewed its rates for Adult Autism Waiver services since it submitted its last renewal of the

Adult Autism Waiver in 2016. The Department has reviewed and revised its rates for Adult Autism Waiver services to comply with the requirements of the Technical Guide. The Department has also added to the Fee Schedule Rates a rate for Homemaker/Chore services.

Appendices I and J and the proposed Fee Schedule Rates and Department-Established Fees are available at <https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/Adult-Autism-Waiver-Renewal.aspx>.

Rate-Setting Methodology for Fee Schedule Rates and Department-Established Fees:

The proposed Fee Schedule Rates and Department-Established Fees were developed using a market-based approach. The process for the development of the Fee Schedule Rates and Department-Established Fees included a review of the Adult Autism Waiver service definitions and a determination of allowable cost components which reflected costs that are reasonable, necessary and related to the service, as defined in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (OMB Circular Uniform Guidance, December 26, 2014). The Department established the Fee Schedule Rates and Department-Established Fees to fund services at a level sufficient to ensure access, encourage provider participation, and promote provider choice, while at the same time ensuring cost effectiveness and fiscal accountability. The Fee Schedule Rates and Department-Established Fees represent the maximum rates that the Department will pay for each service.

In developing the proposed Fee Schedule Rates and Department-Established fees for each service, the Department evaluated and used various independent data sources, such as a Commonwealth-specific compensation study, to ensure the rates reflect the expected expenses for the delivery of the service under the Adult Autism Waiver.

As required by 55 Pa. Code § 6100.571(b) (relating to fee schedule rates), to establish the Fee Schedule Rates the Department examined and used data relating to the following factors:

- The service needs of the individuals.
- Staff wages.
- Staff-related expenses.
- Productivity.
- Occupancy.
- Program and administration-related expenses.
- Geographic costs based on the location where the service is provided.
- Proposed service definitions in the Adult Autism Waiver and determinations made about allowable cost components that reflect reasonable and necessary costs related to the delivery of each service.

- Cost of implementing applicable Federal and State statutes and regulations and local ordinances.

As required by 55 Pa. Code § 6100.711(c) (relating to fee for the ineligible portion of residential service), to establish the Department-Established Fees the Department examined and used data relating to the following factors:

- Occupancy.
- Meals for staff persons.

- Custodial and maintenance expenses.
- Geographic costs based on the location where the service is provided.

The Department did not develop Department-Established Fees for the Life Sharing service. Life Sharing providers are responsible for complying with 55 Pa. Code §§ 6100.681—6100.694 (relating to room and board) and collecting room and board payment from the participant.

The proposed Fee Schedule Rate and the proposed Department-Established Fees for each service are included in the following tables. The assumption logs used to develop the Fee Schedule Rates and Department-Established fees are available at <https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/Adult-Autism-Waiver-Renewal.aspx>.

A notice will be published announcing the final Fee Schedule Rates and Department-Established Fees after the public comment period.

**FEE SCHEDULE RATES FOR ADULT AUTISM WAIVER NON-RESIDENTIAL SERVICES
EFFECTIVE OCTOBER 1, 2021**

All rates in the table are per 15-minute unit unless otherwise noted.

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Statewide Fee</i>	
Homemaker/Chore	Homemaker	1:1	W7283	\$16.73 (per hour)
	Chore	1:1	W7282	\$16.73 (per hour)
Specialized Skill Development	Behavioral Specialist (Plan Development)	1:1	96156	\$1,711.20 (per unit)
	Behavioral Specialist (Consult)	1:1	96171	\$21.39
	Behavioral Specialist (Direct)	1:1	96159	\$21.39
	Systematic Skill Building (Plan Development)	1:1	W7214	\$507.58 (per unit)
	Systematic Skill Building (Consult)	1:1	W7216	\$15.86
	Systematic Skill Building (Direct)	1:1	W7215	\$15.86
	Community Support	2:1	W7068	\$15.72
		1:1	W7201	\$9.84
		1:2	W7204	\$5.00
		1:3	W7205	\$3.33
Community Participation Support (CPS)	Facility 2:1	W7269	\$18.26	
	Facility 1:1	W7244	\$9.52	
	Facility 1:2 to 1:3	W7224	\$5.26	
	Facility 1:4 to 1:6	W7226	\$4.01	
	Community 2:1	W5993	\$18.94	
	Community 2:3	W9352	\$8.01	
	Community 1:1	W5996	\$9.84	
	Community 1:2 to 1:3	W9351	\$5.36	
	Community On-Call/Remote Support	W9400	\$1.33	
Older Adult Daily Living Center		W7094	\$2.73	
Small Group Employment	< 1:6 to 1:3.5	W0012	\$3.40	
	< 1:3.5 to > 1:1	W0011	\$6.60	
Supported Employment—Intensive Job Coaching (Direct)	1:1	W7200	\$17.75	
Supported Employment—Intensive Job Coaching (Consult)	1:1	W7207	\$17.75	
Supported Employment—Extended Job Coaching (Direct)	1:1	W7202	\$17.75	
Supported Employment—Extended Job Coaching (Consult)	1:1	W7206	\$17.75	

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Statewide Fee</i>
Career Planning—Vocational Assessment	1:1	W7071	\$17.75
Career Planning—Job Finding	1:1	W7077	\$17.75
Therapy: Counseling	1:1	T2025	\$21.29
Nutritional Consultation	1:1	S9470	\$15.95
Family Support	1:1 without participant present	90846	\$12.12
	1:1 with participant present	90847	\$12.12
	Other	H0046	\$12.12
Day Respite (Licensed Out-of-Home Respite Services)	1:1	W7211	\$238.48 (per day)
Day Respite (In-Home Respite and Unlicensed Out-of-Home Respite Services)	1:4 (Basic)	W9795	\$69.86 (per day)
	1:3 (Level 1)	W9796	\$93.09 (per day)
	1:2 (Level 2)	W9797	\$139.56 (per day)
	1:1 (Level 3)	W9798	\$245.13 (per day)
	2:1 (Level 4)	W9800	\$490.11 (per day)
15 Minute Respite (In-Home Respite and Unlicensed Out-of-Home Respite Services)	1:4 (Basic)	W8096	\$1.75
	1:3 (Level 1)	W9860	\$2.33
	1:2 (Level 2)	W9861	\$3.49
	1:1 (Level 3)	W9862	\$6.13
	2:1 (Level 4)	W9864	\$12.25
Supports Coordination	Plan Development	W7199	\$1,016.94 (per unit)
	Ongoing	T2024	\$21.19
Transportation—Trip	Zone 1	W7274	\$17.85
	Zone 2	W7275	\$32.14
	Zone 3	W7276	\$36.51
Supplemental Habilitation	1:1	W7070	\$5.46
	2:1	W7084	\$10.93

FEE SCHEDULE RATES FOR RESIDENTIAL HABILITATION AND LIFE SHARING SERVICES THROUGH THE ADULT AUTISM WAIVER EFFECTIVE OCTOBER 1, 2021

Modifiers U5, U6, U7 and U8 are Needs Group Modifiers.

All rates in the table are per day.

<i>Service</i>	<i>Needs Group</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Approved Program Capacity</i>	<i>Statewide Fee</i>
Licensed Residential Habilitation with Day	Needs Group 1	W9000	U5	1 Person	\$392.42
		W9029	U5	2 People	\$392.42
		W9045	U5	3 People	\$283.48
		W9047	U5	4 People	\$222.86
	Needs Group 2	W9000	U6	1 Person	\$474.34
		W9029	U6	2 People	\$474.34
		W9045	U6	3 People	\$317.41
		W9047	U6	4 People	\$251.52
	Needs Group 3	W9000	U7	1 Person	\$685.74
		W9029	U7	2 People	\$581.02
		W9045	U7	3 People	\$408.92
		W9047	U7	4 People	\$319.22
	Needs Group 4	W9000	U8	1 Person	\$759.68
		W9029	U8	2 People	\$638.49
		W9045	U8	3 People	\$450.93
		W9047	U8	4 People	\$352.46

<i>Service</i>	<i>Needs Group</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Approved Program Capacity</i>	<i>Statewide Fee</i>
Licensed Residential Habilitation without Day	Needs Group 1	W9000	U5	1 Person	\$488.16
		W9029	U5	2 People	\$488.16
		W9045	U5	3 People	\$362.28
		W9047	U5	4 People	\$283.94
	Needs Group 2	W9000	U6	1 Person	\$548.26
		W9029	U6	2 People	\$548.26
		W9045	U6	3 People	\$399.23
		W9047	U6	4 People	\$313.60
	Needs Group 3	W9000	U7	1 Person	\$838.54
		W9029	U7	2 People	\$621.80
		W9045	U7	3 People	\$466.30
		W9047	U7	4 People	\$364.15
	Needs Group 4	W9000	U8	1 Person	\$1,021.19
		W9029	U8	2 People	\$748.70
		W9045	U8	3 People	\$570.30
		W9047	U8	4 People	\$439.74
Life Sharing—over 30 hours per week on average	Needs Group 1	W8593	U5	1 Person	\$144.22
		W8595	U5	2 People	\$102.45
	Needs Group 2	W8593	U6	1 Person	\$171.82
		W8595	U6	2 People	\$122.88
	Needs Group 3	W8593	U7	1 Person	\$262.95
		W8595	U7	2 People	\$184.93
	Needs Group 4	W8593	U8	1 Person	\$321.74
		W8595	U8	2 People	\$220.57
Life Sharing—under 30 hours per week on average	N/A	W7037		1 Person	\$142.23
		W7039		2 People	\$100.72

DEPARTMENT-ESTABLISHED FEES FOR RESIDENTIAL HABILITATION SERVICES THROUGH THE ADULT AUTISM WAIVER EFFECTIVE OCTOBER 1, 2021

All rates in the table are per day.

<i>Service</i>	<i>Procedure Code</i>	<i>Approved Program Capacity</i>	<i>Area 1 (Bucks, Carbon, Chester, Delaware, Lehigh, Monroe, Montgomery, Northampton, Philadelphia and Pike)</i>	<i>Area 2 (Remaining counties in Pennsylvania)</i>
Licensed Residential Habilitation—Ineligible	W9001	1 Person	\$92.57	\$84.15
	W9030	2 People	\$50.47	\$45.88
	W9046	3 People	\$33.65	\$30.59
	W9048	4 People	\$25.33	\$23.03

Fiscal Impact

It is anticipated that there will be an additional cost of \$4.822 million (\$1.989 million in State funds) to the Commonwealth in Fiscal Year 2021-2022 and subsequent years.

The amount of funding available is dependent upon the funds appropriated by the General Assembly for the forthcoming year. Therefore, until a budget bill is enacted, the fiscal impact is estimated.

Public Comment

Copies of this notice may be obtained by contacting the Bureau of Supports for Autism and Special Populations at P.O. Box 2675, Harrisburg, PA 17105, RA-odpautismwaiver@pa.gov.

Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to Appendices I and J of the proposed renewal of the Adult Autism Waiver as well as the proposed rates. Written comments should be addressed to Laura Cipriani, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA 17120. Comments may also be submitted to the Department at RA-odpcomment@pa.gov using subject header "AAW Rates."

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).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1443. (1) General Fund; (2) Implementing Year 2021-22 is \$1,989,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$1,989,000; (4) 2020-21 Program—\$26,448,000; 2019-20 Program—\$25,252,000; 2018-19 Program—\$30,842,000; (7) Autism Intervention and Services; (8) recommends adoption. The Autism Intervention and Services appropriation is able to absorb this increase.

[Pa.B. Doc. No. 21-812. Filed for public inspection May 21, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate annualized funds for fiscal year (FY) 2020-2021 supplemental payments to qualifying acute care general hospitals that treat a high volume of opioid use disorder (OUD) patients in their emergency rooms.

Qualifying Criteria

A hospital is eligible for these supplemental payments if the hospital meets the following criteria. Unless otherwise stated, the source of the information is the FY 2016-2017 MA-336 Hospital Cost Report available to the Department as of October 29, 2019.

- a) The hospital is enrolled in the Pennsylvania Medical Assistance (MA) Program as an acute care general hospital, licensed by the Department of Health;
- b) The hospital provided at least 150,000 total inpatient acute care days;
- c) The hospital provided greater than 60,000 inpatient acute care days of care, both fee-for-service (FFS) and managed care combined, to MA beneficiaries; and,
- d) The hospital treated at least 1,000 OUD patients in the emergency room in calendar year 2019, as determined for purposes of the OUD Quality Improvement Program, using encounter data compiled by the Department for the FY 2019-2020 OUD Quality Improvement Program as of December 10, 2020.

Payments will be divided proportionately among qualified hospitals based on each hospital's FFS Pennsylvania MA inpatient acute care days to total FFS Pennsylvania MA inpatient acute care days for all qualifying hospitals.

Fiscal Impact

For FY 2020-2021, the Department will allocate \$45.988 million in total funds for these supplemental payments, upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1432. (1) General Fund; (2) Implementing Year 2020-21 is \$0; (3) 1st Succeeding Year 2021-22 is \$10,375,000; 2nd Succeeding Year 2022-23 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$344,107,000; 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,690,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-813. Filed for public inspection May 21, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Approved Courses of Instruction in Boating Safety Education

Section 91.6(a)(1) of 58 Pa. Code (relating to Boating Safety Education Certificates) defines a Boating Safety Education Certificate for residents of this Commonwealth as a document issued by the Fish and Boat Commission (Commission) certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education). Under 58 Pa. Code § 91.7, the Executive Director of the Commission may approve, by notice, boating safety education courses that meet the course criteria established under that section, and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Executive Director has approved the following courses in boating safety education for Commonwealth residents, effective upon publication in the *Pennsylvania Bulletin*:

- Fish and Boat Commission (Basic Boating/Boating and Water Safety Awareness—classroom course)
- United States Coast Guard Auxiliary (Boating Skills and Seamanship—classroom course)
- United States Power Squadrons (America's Boating Course—classroom course)
- Kalkomey Enterprises, LLC (BOATERexam Pennsylvania—Internet course)
- Kalkomey Enterprises, LLC (Boat-Ed/Boat Pennsylvania—Internet course)

- Kalkomey Enterprises, LLC (Boat-Ed/Boat Pennsylvania—correspondence course)
- Kalkomey Enterprises, LLC (ilearntoat—Internet course)

For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document

successful completion of a course approved by the National Association of State Boating Law Administrators.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-814. Filed for public inspection May 21, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions; July 2021

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on July 26 and 27, 2021, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Clearfield	Potts Run	Headwaters to Clark Road Bridge	Clearfield Creek	40.891945 78.441391
Clearfield	UNT to Montgomery Creek (RM 1.19)	Headwaters to Mouth	Montgomery Creek	41.013940 78.471578
Clearfield	UNT to Montgomery Creek (RM 1.56)	Headwaters to Mouth	Montgomery Creek	41.014074 78.477631
Clearfield	UNT to Montgomery Creek (RM 3.14)	Headwaters to Mouth	Montgomery Creek	41.024801 78.502628
Clinton	UNT to Craig Fork (RM 2.18)	Headwaters to Mouth	Craig Fork	41.260964 77.481853
Clinton	UNT to Lick Run (RM 1.37)	Headwaters to Mouth	Lick Run	41.183579 77.506769
Clinton	UNT to Lick Run (RM 1.80)	Headwaters to Mouth	Lick Run	41.186202 77.513883
Clinton	UNT to Lick Run (RM 3.46) Right	Headwaters to Mouth	Lick Run	41.207624 77.523605
Dauphin	UNT to Fishing Creek (RM 1.87)	Headwaters to Mouth	Fishing Creek	40.349487 76.894237
Indiana	UNT to Salsgiver Run (RM 1.67)	Headwaters to Mouth	Salsgiver Run	40.826981 78.890512
Lycoming	Mill Creek (Hepburnville)	Headwaters to Second PA 973 Bridge	Lycoming Creek	41.297159 77.054360
Lycoming	UNT to Big Run (RM 2.50)	Headwaters to Mouth	Big Run	41.531296 77.348618
Perry	UNT to Laurel Run (RM 11.10)	Headwaters to Mouth	Laurel Run	40.266536 77.486168
Perry	UNT to Laurel Run (RM 13.93)	Headwaters to Mouth	Laurel Run	40.250845 77.529616
Perry	UNT to Sherman Creek (RM 50.52)	Headwaters to Mouth	Sherman Creek	40.299149 77.587483
Perry	UNT to Sherman Creek (RM 50.93)	Headwaters to Mouth	Sherman Creek	40.294849 77.592389
Perry	UNT to Sherman Creek (RM 52.38)	Headwaters to Mouth	Sherman Creek	40.284042 77.612744
Perry	UNT to Sherman Creek (RM 52.52)	Headwaters to Mouth	Sherman Creek	40.282641 77.614279

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Potter	UNT to Nelson Run (RM 1.11)	Headwaters to Mouth	Nelson Run	41.733381 77.917808
Schuylkill	UNT to Rattling Run (RM 0.82)	Headwaters to Mouth	Rattling Run	40.742543 76.333702
Schuylkill	UNT to Swatara Creek (RM 59.87)	Headwaters to Mouth	Swatara Creek	40.563744 76.398392
Schuylkill	UNT to Upper Little Swatara Creek (RM 7.28)	Headwaters to Mouth	Upper Little Swatara Creek	40.597068 76.291576
Union	Stony Run	Headwaters to Mouth	Buffalo Creek	40.961463 77.003278
Wayne	UNT to Lackawaxen River (RM 18.73)	Headwaters to Mouth	Lackawaxen River	41.499055 75.196952
Wayne	UNT to West Branch Lackawaxen River (RM 12.25)	Headwaters to Mouth	West Branch Lackawaxen River	41.673712 75.376002

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments 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

[Pa.B. Doc. No. 21-815. Filed for public inspection May 21, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Changes to List of Class A Wild Trout Waters; July 2021

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on July 26 and 27, 2021.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>	<i>Brook Trout (kg / ha)</i>	<i>Brown Trout (kg / ha)</i>	<i>Rainbow Trout (kg / ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Lycoming	UNT to Big Run (RM 2.50)	1	Headwaters to Mouth	Big Run	41.531296 77.348618	69.62	---	---	0.85	2020
Mercer/ Venango	Little Sandy Creek	1	Headwaters to 400 meters upstream of bridge on Bombishi Road (Township Road 304)	Sandy Creek	41.363333 79.924167	5.85	47.85	---	4.23	2020
Potter	UNT to Nelson Run (RM 1.11)	1	Headwaters to Mouth	Nelson Run	41.733381 77.917808	54.05	44.87	---	1.11	2020

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-816. Filed for public inspection May 21, 2021, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-558	Board of Coal Mine Safety Prohibiting Electronic Liquid-Vaporizing Devices at Underground Bituminous Coal Mines 51 Pa.B. 1316 (March 13, 2021)	4/12/21	5/12/21
16A-4824	State Board of Funeral Directors Child Abuse Reporting Requirements 51 Pa.B. 1320 (March 13, 2021)	4/12/21	5/12/21
12-112	Unemployment Compensation Board of Review Appeals from Determinations of Department 51 Pa.B. 1318 (March 13, 2021)	4/12/21	5/12/21

**Board of Coal Mine Safety
Regulation # 7-558
(IRRC # 3292)**

Prohibiting Electronic Liquid-Vaporizing Devices at Underground Bituminous Coal Mines

May 12, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the March 13, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Board of Coal Mine Safety (Board) to respond to all comments received from us or any other source.

1. Section 208.375. Smoking prohibition: surface work areas.—Statutory authority; Clarity and lack of ambiguity; Implementation procedures.

Subsection (b) subjects an individual who violates the mandatory safety standards relating to smoking, including electronic liquid-vaporizing devices and e-cigarettes, to a civil penalty. Chapter 5 of the Bituminous Coal Mine Safety Act of 2008 (Act) lists the enforcement remedies available to the Board. 52 P.S. §§ 690-501—690-511. For example, under the Act, the Board can issue enforcement orders (§ 690-501), injunctions (§ 690-502), administrative penalties against mine officials and operators (§ 690-503), and certification actions (§ 690-510). Page 2 of the Preamble states that the “proposed regulation would give the Department [of Environmental Protection (Department)] additional authority to assess a civil mon-

etary penalty. . . .” The Board should explain its statutory authority to assess a civil penalty.

We have two additional concerns. First, the process to determine that an individual has violated this section is not explained. Second, other remedies available to the Department in paragraph (2) are not provided. We ask the Board to explain how this subsection will be implemented. Further, the Board should consider clarifying this subsection to explain the additional remedies available to the Department, if appropriate.

This comment also applies to Section 208.376(d) (relating to smoking prohibition: underground areas).

2. Section 208.376. Smoking prohibition: underground areas.—Implementation procedures; Clarity and lack of ambiguity.

Subsections (b) and (d) state smoking-related articles that may not be carried into mines. For clarity, the Board should revise these subsections to contain identical lists of items or explain why it is not necessary to do so.

3. Regulatory Analysis Form (RAF).

The RAF provides the number of bituminous coal mines in Questions # 15—17 and 19. However, individuals who work at these coal mines are directly impacted by this regulation as acknowledged in Question # 27, which states that “this proposed rulemaking addresses the individual conduct of miners, mine officials, and other persons in and about mines.” The number of individuals affected by the regulation should be included in these questions in the RAF submitted with the final-form regulation. We also ask the Board to estimate the cost to

the regulated community in Question # 23 and provide the number of individuals who have been decertified for violating existing smoking prohibitions.

**State Board of Funeral Directors
Regulation # 16A-4824
(IRRC # 3293)**

Child Abuse Reporting Requirements

May 12, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the March 13, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Funeral Directors (Board) to respond to all comments received from us or any other source.

1. Implementation procedures.

The proposed rulemaking does not address funeral directors from reciprocal states who hold limited licenses under Section 13.77 (relating to limited license). Under 23 Pa.C.S. § 6311(a)(2) (relating to persons required to report suspected child abuse), funeral directors are mandated reporters. We ask the Board to explain how the child abuse recognition and reporting training and continuing education requirements in 23 Pa.C.S. § 6383(b)(3)(i) and (ii) (relating to education and training) will be implemented for these funeral directors. Further, we ask the Board to consider clarifying requirements for limited license funeral directors in a future rulemaking or explain why it is not necessary to do so.

2. Section 13.301. Definitions relating to child abuse reporting requirements.—Clarity and lack of ambiguity.

Perpetrator

Subparagraphs (i)(D) and (ii)(D) of the definition of “perpetrator” limit this term to individuals of certain ages who are responsible for a child’s welfare. However, the specifically-defined term “person responsible for the child’s welfare” is not used. To improve clarity, we ask the Board to revise the definition of “perpetrator” to use the term defined in this section.

3. Section 13.302. Suspected child abuse—mandated reporting requirements.—Protection of the public health, safety and welfare; Clarity and lack of ambiguity.

Subsection (a) requires a funeral director to report suspected child abuse when there is “reasonable cause to suspect that a child is a victim of child abuse” under a set of circumstances derived from 23 Pa.C.S. § 6311(b)(1). This subsection does not include the responsibilities in 23 Pa.C.S. § 6311(b)(2) and (3) to report suspected child abuse when certain information is not known. To protect the public health, safety and welfare, the Board should add the omitted statutory provisions or explain why it is unnecessary to do so.

4. Section 13.303. Photographs, medical tests and X-rays of child subject to report.—Clarity and lack of ambiguity.

Under this section, a funeral director is required to send “[m]edical summaries or reports of the photographs, X-rays and relevant medical tests taken” to the county children and youth social service agency after the written or electronic report is made. Under 23 Pa.C.S. § 6314 (relating to photographs, medical tests and X-rays of child subject to report), these materials “shall be made avail-

able to law enforcement officials in the course of investigating cases.” For consistency, the Board should add the statutory requirement to make these materials available to law enforcement officials or explain why it is not necessary to do so.

5. Section 13.306. Confidentiality—waived.—Protection of the public health, safety and welfare; Clarity and lack of ambiguity.

This section is included in the proposed rulemaking without amendments. This section is not amended to include the requirements in 23 Pa.C.S. § 6311.1 (relating to privileged communications) stating that privileged communication between a mandated reporter and a client does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse. We ask the Board to explain why the statutory requirement is not included in this regulation. The Board should consider adding privileged communication in a future rulemaking to protect the public health, safety and welfare, or explain why it is not necessary to do so. Further, this section should not be published in the final-form regulation as it is not being amended.

6. Section 13.308. Child abuse recognition and reporting—mandatory training requirement.—Implementation procedures; Clarity and lack of ambiguity.

Subsection (a)

Subsection (a) requires an individual applying for initial licensure as a funeral director to complete at least three hours of training in child abuse recognition and reporting requirements and to “submit proof of completion.” Section 13.309(b)(13) (relating to child abuse recognition and reporting course approval process) requires approved course providers to electronically report attendance to the Bureau of Professional and Occupational Affairs. We ask the Board to revise this subsection to include the implementation procedures for submission of proof of training.

Subsection (c)

Under subsection (c), an applicant or licensee may apply for an exemption from subsection (a) or (b). Paragraph (3) directs an applicant or licensee to submit documentation demonstrating that the individual “should not be subject to the training or continuing education requirement.” A request for exemption is “considered on a case-by-case basis.” We have three concerns. First, the standards for documentation and evaluation are vague. Second, this subsection does not specify if the exemption is limited to one biennial renewal period. Third, the process for notification of approval or denial is not stated. We ask the Board to explain the standards for sufficient documentation and the evaluation process for reviewing a request for exemption, including if there is a time frame for completion of training prior to applying for an exemption. We also ask the Board to consider clarifying this subsection to state the time period of the exemption and the process for notifying applicants and licensees.

7. Miscellaneous clarity.

- In Section 13.307(b)(4) (relating to noncompliance), the phrase “convicted of a prior offense under § 6319” should be revised to cross-reference 23 Pa.C.S. § 6319.

- In Section 13.308(c) (relating to child abuse recognition and reporting—mandatory training requirement), “licensee holder” should be corrected to “licensee.”

- We identified the following clarity issues in the RAF:
 - The citation to the Child Protective Services Law in Question # 7 should be updated to 23 Pa.C.S. §§ 6301—6387.
 - The number of limited license funeral directors should be included in responses to Questions # 15, 16 and 19.

**Unemployment Compensation Board of Review
Regulation # 12-112
(IRRC # 3295)**

**Appeals from Determinations of Department
May 12, 2021**

We submit for your consideration the following comments on the proposed rulemaking published in the March 13, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Unemployment Compensation Board of Review (Board) to respond to all comments received from us or any other source.

4. Section 101.82. Time for filing appeal from determination of Department.—Reasonableness of requirements, implementation procedures and time-tables for compliance by the public and private sectors; Clarity and lack of ambiguity.

Subsection (b) lists filing methods for unemployment compensation appeals. Paragraphs (4) and (4.1) provide the procedures for filing an appeal by e-mail and through the Pennsylvania UC Claims System (System), respectively. We have three concerns with these paragraphs.

First, the Preamble explains that a party is “effectively [placed] on notice that if the confirmation is not received, the appeal has not been filed, prompting additional action by the party.” What additional actions will a party need to take when confirmation is not received? We ask the Board to explain the implementation procedures when a confirmation e-mail is not received or the System does not generate an acknowledgment. We also ask the Board to explain the reasonableness of omitting additional actions a party will need to take when there are specific time-tables for compliance. The Board should consider revising these filing methods to establish standards that are achievable for the regulated community.

Second, these paragraphs do not state the deadline for timely filing of an appeal. We ask the Board to improve the clarity of these paragraphs by stating the deadline.

Third, do the confirmation sent by e-mail and the acknowledgment sent by the System include the date the appeal was deemed filed? We ask the Board to describe the information stated in the confirmation and acknowledgment and clarify these paragraphs to include these details.

5. Regulatory Analysis Form (RAF).

We ask the Board to submit screen shots of the portion of the System used to file an appeal in response to RAF Question # 22b.

In addition, responses to RAF Question # 29 state that the “amendments will become effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin* on the date of implementation” of the System. We note that the updated System is scheduled to be launched in June 2021. Given that the System will be operational before publication of the final-form regulation, we ask the Board to explain when these amendments will become effective and update the response to RAF Question # 29 and the Preamble accordingly.

6. Miscellaneous clarity.

The definition of “personal delivery” in Section 101.2 (relating to definitions) should be updated to cross-reference Section 101.82(b)(1)—(4.1). (Emphasis added.)

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-817. Filed for public inspection May 21, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Health Partners Plans, Inc.

Thomas Jefferson University, a Pennsylvania nonprofit corporation, has filed an application regarding the acquisition of control of Health Partners Plans, Inc., a Pennsylvania domestic nonstock, nonprofit health maintenance organization, by acquiring the 50% ownership interest in Health Partners Plans, Inc. currently indirectly held by Temple University Health System, Inc. The filing was received on May 5, 2021, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on this acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Cressinda Bybee, cbybee@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-818. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of Act 114 of 2020

Public Meeting held
May 6, 2021

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

Implementation of Act 114 of 2020; M-2020-3023323

Final Implementation Order

By the Commission:

On November 23, 2020, Governor Wolf signed into law Act 114 of 2020, which amends the Fiscal Code, 72 P.S. §§ 1 et seq. Act 114, inter alia, establishes geographical limits on energy resources that qualify as Tier II re-

sources under the Alternative Energy Portfolio Standards (AEPS) Act, 73 P.S. §§ 1648.1 et seq. The Pennsylvania Public Utility Commission's (Commission) administrative responsibilities for implementing the provisions of Act 114 are contained within Sections 10 and 14 of Act 114. In general, Sections 10 and 14 amend the Fiscal Code at Article XVII-E (relating to the AEPS Act) by adding Sections 1728-E and 1799.10-E, respectively. This Final Implementation Order provides the Commission's interpretation as well as implementation of Sections 10 and 14 of Act 114.

Background

Section 10 of Act 114 of 2020 revises the definition of customer-generator in Section 2 of the AEPS Act, 73 P.S. § 1648.2, by adding new distributed generation systems that qualify as customer generators. Specifically, it adds to the definition of customer-generator net-metered distributed generation systems owned, operated, or supporting the Department of Military and Veterans Affairs (DMVA) on property owned or leased and operated by the DMVA with a nameplate capacity not exceeding the DMVA's annual electric needs to support the DMVA's facilities on its property.

Section 14 of Act 114 of 2020 established a limitation to Section 4 of the AEPS Act, 73 P.S. § 1678.4, that energy derived from alternative energy sources (AES) inside the geographical boundaries of Pennsylvania shall be eligible to meet compliance requirements under the AEPS Act. Section 4 also provides that energy derived from AESs located outside the geographical boundaries of the Commonwealth but within the service territory of a regional transmission organization (RTO) that manages the transmission system in any part of Pennsylvania shall be eligible to meet the AEPS Act compliance requirements of EDCs or electric generation suppliers (EGSs) located within the service territory of the same RTO. Finally, Section 4 provides that AESs located in the PJM Interconnection, L.L.C. RTO (PJM) or its successor service territory shall be eligible to fulfill the AEPS Act compliance obligations of all EDCs and EGSs. See 73 P.S. § 1648.4.

On January 14, 2021, the Commission adopted a Tentative Implementation Order (Tentative Order) at the above referenced Docket seeking comments on proposed interpretations and implementation of Sections 10 and 14 of Act 114.¹ Written comments were to be submitted within 30 days of the publication of the Tentative Order in the *Pennsylvania Bulletin*, January 30, 2021.²

Comments were filed by the following: the Appalachian Region Independent Power Producers Association (ARIPPA); Cleveland-Cliffs Steel LLC (Cleveland-Cliffs); Constellation/ExGen, Inc. (Constellation), and Exelon Generation Company, LLC (ExGen) (collectively Constellation/ExGen); the Virginia Electric and Power Company (d/b/a Dominion Energy Virginia) (Dominion Energy); Duquesne Light Company (Duquesne Light); Metropolitan Edison Company (FirstEnergy), Pennsylvania Power Company, and West Penn Power Company (collectively FirstEnergy); PPL Electric Utilities Corporation (PPL Electric); WGL Energy Services, Inc. (WGL Energy); Wheelabrator Technologies;³ Senator David G.

¹ See Implementation of Act 114 of 2020, Tentative Order at Docket No. M-2020-3023323 (entered January 14, 2021).

² The Tentative Order was published in the *Pennsylvania Bulletin* on January 30, 2021 at 51 Pa.B. 667.

³ Wheelabrator Technologies' comments generally stated that they support the Commission's Tentative Order and support adopting it without changes. Accordingly, further discussion of these comments is unnecessary.

Argall, Senator Lisa M. Boscola, Representative Frank Burns and Representative Doyle Heffley (collectively the Legislature).⁴

Discussion

I. SECTION 10 OF ACT 114

A. Section 1728-E

This Section revises the definition of customer-generator in Section 2 of the AEPS Act, 73 P.S. § 1648.2, by adding new distributed generation systems that qualify as customer generators. The definition of customer-generator in Section 2 of the AEPS Act defines a customer-generator as a nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations. However, customers may exceed the three megawatt limit up to five megawatts when such customers make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure, such as homeland security assignment, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators interconnected with facilities of an electric distribution company (EDC), electric cooperative or municipal electric system have been promulgated by the Institute of Electrical and Electronic Engineers and the Pennsylvania Public Utility Commission.

Section 1728-E specifically states the following:

The definition of "customer-generator" in Section 2 of the act of November 30, 2004 (P.L. 1672, No. 213), known as the Alternative Energy Portfolio Standards Act, shall include net-metered distributed generation systems owned, operated or supporting the Department of Military and Veterans Affairs on property owned or leased and operated by the Department with a nameplate capacity not to exceed the Department's annual electric needs to support the Department's facilities on its property.

72 P.S. § 1728-E.

In the Tentative Order, the Commission stated that Section 1728-E's addition to the definition of customer-generator includes net-metered distributed generation systems owned, operated, or supporting the DMVA on property owned or leased and operated by the DMVA with a nameplate capacity not exceeding the DMVA's annual electric needs to support the DMVA's facilities on its property. In the Tentative Order the Commission proposed to interpret this section as permitting the DMVA to own or operate net-metered distributed generation systems with a nameplate capacity that does not exceed the annual electric needs of the DMVA's facilities on its respective property.

In the Tentative Order we noted that Section 1728-E did not include other limiting language on the nameplate capacity to the net-metered distributed generation systems identified in the AEPS Act's amended definition of customer-generator. The Commission proposed to interpret Section 1728-E as permitting DMVA to own or operate net-metered distributed generation systems that exceed the three and five megawatt limitations. Addition-

⁴ The comments submitted from each member of the Legislature were identical copies. Accordingly, the Commission will address the Legislature's comments as one.

ally, we noted in the Tentative Order that this is limited by several conditions. First, we interpreted the phrase “owned, operated or supporting the DMVA” as allowing DMVA or a third-party to own or operate the system, provided the system is designed and interconnected in a way that it only supports facilities operated by DMVA. Second, the system must be located on property owned or leased and operated by DMVA. Third, if DMVA intends to use virtual meter aggregation, any load meter DMVA intends to aggregate must be on a DMVA account, be within two miles of the facility and be in the same EDC’s service territory. Finally, we proposed that the net-metered distributed generation system cannot exceed the respective DMVA’s property’s annual cumulative electric needs.

With respect to a DMVA property’s annual electric needs, the Commission noted in the Tentative Order that DMVA’s annual electric needs may vary from year to year due to weather. The Commission also recognized that the output of any AES, such as solar photovoltaic facilities will vary from year to year due to weather conditions. As such, designing and installing an AES that exactly matches the DMVA’s annual electric needs is difficult, if not impossible to implement. Accordingly, the Commission proposed in the Tentative Order a 110% design limit on any AES the DMVA proposes to net meter under this provision of Act 114. The Commission opined in the Tentative Order that this would be a reasonable way to implement the phrase “with a nameplate capacity not to exceed the Department’s annual electric needs to support the Department’s facilities on its property.”

The Commission clarified in the Tentative Order that the 110% limitation was proposed to be part of the criteria used in designing a system that is installed to support the DMVA’s facilities on its property. The Commission proposed that the 110% design limit would be based on DMVA’s historical or estimated annual system output and facility usage, both of which are affected by weather that is beyond the control of DMVA.

The Commission further proposed that the 110% limitation should apply to the cumulative consumption of all DMVA customer meters that qualify for virtual meter aggregation under the AEPS Act and the Commission’s regulations. As such, the Commission proposed that the 110% limitation as a design criterion of DMVA AESs shall apply to the cumulative consumption of all meters that are eligible for virtual meter aggregation in accordance with the AEPS Act and the Commission’s regulations.

The Tentative Order also addressed new construction that does not have historical usage data, to which the Commission proposed the use of square footage, occupancy, and comparisons to similar buildings as all valid recommendations that could be utilized. The Commission recognizes that the DMVA or its AES developer has the responsibility to provide an estimate of annual electric consumption for the new building, along with supporting data, to demonstrate that the AES design does not exceed 110% of that annual consumption. The DMVA or its AES developer will have to provide adequate support for their usage estimate, which may include one or more years of historical usage or estimates based on similarly equipped and utilized buildings. The Commission proposed that this estimated consumption be provided to the EDC when filing the interconnection application.

In the Tentative Order, the Commission indicated that the 110% limitation should apply as a design criterion for the sizing of an entire AES, to include any proposed expansion of an existing system. As such, the Commission

proposed as policy that DMVA customer-generators with third-party owned and operated systems should provide, with the interconnection application, adequate supporting data to demonstrate that the AES is designed to provide no more than 110% of the DMVA customer-generator’s annual electric usage.

1. *Comments*

FirstEnergy, Duquesne Light and PPL Electric submitted comments in response to the Commission’s proposed interpretation of Section 1728-E. FirstEnergy commented that the Commission should ensure that EDCs retain the ability to approve or disapprove DMVA customer-generators. FirstEnergy expressed concern that Section 1728-E should not be interpreted to mean that DMVAs have an absolute right to interconnect AESs with a 5 MW or greater capacity. FirstEnergy Comment at 4-5. FirstEnergy asserts that EDCs must retain the ability to deny interconnection requests from DMVAs that will compromise their ability to provide safe and reliable service to their customers. FirstEnergy Comment at 5. FirstEnergy requests that the Commission affirmatively state that EDCs will still have this capability with respect to DMVAs requesting interconnection regardless of whether the facility in question complies with the newly revised definition of customer-generators. FirstEnergy Comment at 5.

Duquesne Light also commented on the Commission’s proposed interpretation of Section 1728-E and requested that the Commission clarify whether the Commission’s regulation governing large customer-generators, 52 Pa. Code § 75.16, will apply to DMVA projects that exceed 3 MW. Duquesne Light Comment at 3. Duquesne Light noted that Section 75.16(b) of the Commission’s regulations provides that customer-generator projects greater than 3 MW and up to 5 MW may be eligible for net metering if the customer-generator makes the system available to operate in parallel with the grid during grid emergencies. Duquesne Light Comment at 3. Duquesne Light contends that the Commission’s Tentative Order is silent as to whether Act 114 exempts DMVA projects from Section 75.16 and that without express clarification, Duquesne Light would interpret Act 114 as requiring DMVA net-metered projects over 3 MW in size to comply with Section 75.16. Duquesne Light does not offer a recommendation as to how the Commission should interpret Act 114’s interaction with Section 75.16 but advises that the Commission should clarify this in the Final Implementation Order.

Finally, PPL Electric commented on the Commission’s proposed maximum size for DMVA projects. While PPL Electric agreed with the Commission that it is difficult to pinpoint the exact size of a system at a given point in time to match a DMVA usage profile, PPL Electric contends that the Commission’s 110% limit is too high considering that this would apply to large AESs in excess of 5 MW. PPL Electric Comment at 3. PPL Electric recommends that the Commission carefully consider the implications of establishing a 110% limit for systems that have no maximum size limits like DMVA sites and further cautions that additional 10% of generation above a site’s load could be significant with respect to sites over 5 MW. PPL recommends that the Commission consider setting the size limit at 105% for any DMVA site in excess of 5 MW. PPL Electric Comment at 3.

2. *Disposition*

Upon review of the comments, the Commission will adopt the Tentative Order’s interpretation of Section 1728-E with amendments. The Commission agrees that it

should clarify how it will interpret Section 1728-E. The Commission clarifies that EDCs will retain the ability to approve or disapprove AESs at DMVA sites. We recognize that while there has been no limiting language with respect to the nameplate capacity of DMVA project sizes, we will interpret Section 1728-E as still requiring EDC approval for interconnection. With respect to the requirements the AEPS Act imposes upon customer-generator AESs that are 3 MW and up to 5 MW the Commission interprets Section 1728-E as not imposing the requirement to operate in parallel during a grid emergency. The language in Section 1728-E expressly addresses DMVA projects and it does not impose any requirement that DMVA projects operate in parallel during grid emergencies. Accordingly, the Commission will not recognize the requirements for customer-generators enumerated under Section 2 of the AEPS Act, 73 P.S. § 1648.2, as applying to DMVA projects.

Finally, the Commission agrees with PPL Electric's recommendation that the size limit for DMVA customer-generators proposed in the Tentative Order was too high considering the effects from large customer generators. Accordingly, the Commission amends its previous DMVA AES project size limit from 110% to 105% of the electricity needed at the DMVA service site.

II. SECTION 14 OF ACT 114

A. Section 1799.10-E(a)(1)

In the Tentative Order, the Commission determined that this Section creates a limitation to Section 4 of the AEPS Act, 73 P.S. § 1648.4, that established, *inter alia*, that energy derived from AESs inside the geographical boundaries of Pennsylvania shall be eligible to meet compliance requirements under the AEPS Act. Section 4 also provides that energy derived from AESs located outside the geographical boundaries of the Commonwealth but within the service territory of an RTO that manages the transmission system in any part of Pennsylvania shall be eligible to meet the AEPS Act compliance requirements of EDCs or EGSs located within the service territory of the same RTO. Finally, Section 4 provides that AESs located in the PJM RTO or its successor service territory shall be eligible to fulfill the AEPS Act compliance obligations of all EDCs and EGSs. See 73 P.S. § 1648.4.

Section 1799.10-E(a) specifically states the following:

(1) Notwithstanding Section 4 of the act of November 30, 2004 (P.L. 1672, No. 213), known as the Alternative Energy Portfolio Standards Act, in order to qualify as an alternative energy source eligible to meet the Tier II share of this Commonwealth's compliance requirements under Section 3(c) of the Alternative Energy Portfolio Standards Act and to qualify for Tier II Alternative Energy Portfolio credits, each Tier II source must do one of the following:

(i) Directly deliver the electricity it generates to a retail customer of an electric distribution company or to the distribution system operated by an electric distribution company operating within this Commonwealth and currently obligated to meet the compliance requirements contained under the Alternative Energy Portfolio Standards Act.

(ii) Be directly connected to the electric system of an electric cooperative or municipal electric system operating within this Commonwealth.

(iii) Connect directly to the electric transmission system at a location that is within the service

territory of an electric distribution company operating within this Commonwealth.

(iv) Generate electricity at generation units whose construction and operation is subject to and complies with permits issued by the Department of Environmental Protection of the Commonwealth under the Act of January 8, 1960 (1959 P.L. 2119, No. 787), known as the Air Pollution Control Act, or the Act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act.

72 P.S. § 1799.10-E(a)(1). Section 1799.10-E(a)(1) modifies Section 4 of the AEPS Act to limit the eligibility of Tier II AESs to those that meet the requirements of subparagraphs i through iv.

1. Comments

No comments were submitted concerning Section 1799.10-E(a)(1), specifically. However, we received comments from ARIPPA, the Legislature and Wheelabrator Technologies that generally supported adopting the entire Tentative Order.

2. Disposition

Upon review of the Comments, the Commission adopts the Tentative Order interpretation and will permit any Tier II system meeting the geographic requirements of Section 4 of the AEPS Act, 73 P.S. § 1648.4, as continuing to be eligible to generate Tier II alternative energy credits (AECs).

B. Section 1799.10-E(a)(1)(i)

In the Tentative Order, we determined that this subsection provides two scenarios where AESs qualify to generate Tier II AECs for use by EDCs and EGSs for compliance with the AEPS Act Tier II share requirements. The first scenario that qualifies is when the AES directly delivers the electricity it generates to an EDC's retail customer within the Commonwealth and is currently obligated to meet the compliance requirements contained under the AEPS Act. The Commission proposed to interpret this section as applying to Tier II AESs physically connected to an EDC's customer's internal electric system.

The second scenario that qualifies is when a Tier II AES directly delivers its power to the distribution system operated by an EDC that has an obligation to meet the AEPS Act compliance requirements. The Commission proposed to interpret this provision as applying to Tier II AESs physically interconnected to a Pennsylvania EDC's distribution system.

1. Comments

The Commission did not receive specific comments concerning Section 1799.10-E(a)(1)(i). However, we received comments from ARIPPA, the Legislature and Wheelabrator Technologies that generally supported adopting the entire Tentative Order.

2. Disposition

Upon review of the comments, the Commission adopts the Tentative Order interpretation of Section 1799.10-E(a)(1)(i). As the Commission did not receive specific comments suggesting amendments to the proposed interpretation of this subsection, the Commission adopts its proposed interpretation of Section 1799.10-E(a)(1)(i) from its Tentative Order in its entirety and will recognize Tier II AESs physically connected to an EDC's customer's internal electric system and Tier II AESs directly delivering its power to the distribution system operated by an EDC as qualifying for Tier II treatment under the AEPS Act.

C. *Section 1799.10-E(a)(1)(ii)*

This subsection addresses the scenario where a Tier II AES is directly connected to the electric system of an electric cooperative or municipal electric system operating within the Commonwealth. The Commission proposed to interpret this subsection as permitting Tier II AESs physically connected to a Pennsylvania electric cooperative's or municipal electric system's distribution network to qualify to generate energy and AECs eligible to be used by EDCs and EGSs to meet their Tier II share requirements.

1. *Comments*

The Commission did not receive specific comments concerning Section 1799.10-E(a)(1)(ii). However, we received comments from ARIPPA, the Legislature and Wheelabrator Technologies that generally supported adopting the entire Tentative Order.

2. *Disposition*

Upon review of the comments, the Commission adopts the Tentative Order interpretation of Section 1799.10-E(a)(1)(ii). As the Commission did not receive specific comments suggesting amendments to the proposed interpretation of this subsection, the Commission adopts its proposed interpretation of Section 1799.10-E(a)(1)(ii) from its Tentative Order in its entirety. The Commission will recognize Tier II AESs physically connected to a Pennsylvania electric cooperative's or municipal electric system's distribution network as able to qualify to generate energy and AECs eligible to be used by EDCs and EGSs to meet their Tier II share requirements.

D. *Section 1799.10-E(a)(1)(iii)*

This subsection addresses the scenario where a Tier II AES is directly connected to the electric transmission system at a location that is within the service territory of an EDC. The Commission proposed to interpret this subsection as permitting Tier II AESs physically located in Pennsylvania and interconnected to a transmission system that is also located in Pennsylvania to qualify to generate energy and AECs eligible to be used by EDCs and EGSs to meet the AEPS Act Tier II share requirements. This would include utility scale Tier II AESs that are physically interconnected to a transmission system within an EDC's service territory and operating under PJM rules as a wholesale generator.

1. *Comments*

The Commission did not receive specific comments concerning Section 1799.10-E(a)(1)(iii). However, we received comments from ARIPPA, the Legislature and Wheelabrator Technologies that generally supported adopting the entire Tentative Order.

2. *Disposition*

Upon review of the comments, the Commission adopts the Tentative Order interpretation of Section 1799.10-E(a)(1)(iii). As the Commission did not receive specific comments suggesting amendments to the proposed interpretation of this subsection, the Commission adopts its proposed interpretation of Section 1799.10-E(a)(1)(iii) from its Tentative Order in its entirety. The Commission will recognize Tier II AESs physically located in Pennsylvania and interconnected to a transmission system that is also located in Pennsylvania to qualify to generate energy and AECs eligible to be used by EDCs and EGSs to meet the AEPS Act Tier II share requirements. This will include utility scale Tier II AESs that are physically interconnected to a transmission system

within an EDC's service territory and operating under PJM rules as a wholesale generator.

E. *Section 1799.10-E(a)(1)(iv)*

This subsection addresses the scenario where Tier II AESs generate electricity at generation units whose construction and operation is subject to and complies with permits issued by the Department of Environmental Protection (Department) of the Commonwealth under the Air Pollution Control Act, 35 P.S. §§ 4001 et seq., or the Solid Waste Management Act, 35 P.S. § 6018.101 et seq. The Commission proposed to interpret this subsection as permitting AESs to qualify for Tier II AECs when the Department has issued permits to generation units that comply with the Air Pollution Control Act or the Solid Waste Management Act.

1. *Comments*

The Commission did not receive specific comments concerning Section 1799.10-E(a)(1)(iv). However, we received comments from ARIPPA, the Legislature and Wheelabrator Technologies that generally supported adopting the entire Tentative Order.

2. *Disposition*

Upon review of the comments, the Commission adopts the Tentative Order interpretation of Section 1799.10-E(a)(1)(iv). As the Commission did not receive specific comments suggesting amendments to the proposed interpretation of this subsection, the Commission adopts its proposed interpretation of Section 1799.10-E(a)(1)(iv) from its Tentative Order in its entirety. The Commission will interpret this section as permitting AESs to qualify for Tier II AECs when the Department has issued permits to generation units that comply with the Air Pollution Control Act of the Solid Waste Management Act.

F. *Section 1799.10-E(a)(2)(i)*

This subsection provides that a Tier II AES's certification originating within the geographical boundaries of the Commonwealth granted prior to the effective date of Act 114 will not be affected by Section 1799.10-E or Section 4 of the AEPS Act. This section sets forth a condition to which Section 1799.10-E(a) does not apply. Specifically, Section 1799.10-E(a)(2)(i) states the following:

(2) Nothing under this Section or Section 4 of the Alternative Energy Portfolio Standards Act shall affect any of the following:

(i) A certification originating within the geographical boundaries of this Commonwealth granted prior to the effective date of this section of a Tier II energy generator as a qualifying alternative energy source eligible to meet the Tier II share of this Commonwealth's alternative energy portfolio compliance requirements under the Alternative Energy Portfolio Standards Act.

72 P.S. § 1799.10-E(a)(2)(i).

The Commission proposed to interpret “[a] certification originating within the geographical boundaries of this Commonwealth. . .” in the same manner it interpreted this language in the Implementation of Act 40 of 2017, Docket No. M-2017-2631527 (Order entered May 3, 2018). In the Implementation of Act 40 of 2017, the Commission interpreted Section 2804(2)(i) of the Administrative Code of 1929, 71 P.S. § 714(2)(i), as closing Pennsylvania's borders to solar photovoltaic share AECs.

The Commission recognized that the language in Section 2804(2)(i) was unclear and that the Commission was obligated to ascertain the General Assembly's intent

under the Rules of Statutory Construction. *Id.* at 17-18. The Commission received comments from Governor Tom Wolf, and several Senators and Representatives. As lawmakers who effectuated Act 40, the Commission found that these commenters were uniquely qualified to provide information regarding the intent of the statute. *Id.* Each of the comments provided by lawmakers stated that their intent was to “close the borders” for Tier I solar credit qualifications and was consistent with the design utilized by a number of our neighboring states to promote economic development. *Id.* This interpretation was further consistent with the supplemental interpretation provided in the Joint Statement of Chairman Gladys M. Brown-Dutrieuille and Vice Chairman Andrew G. Place.

Accordingly, the Commission opined:

When reviewing the totality of comments described above, it becomes evident that Section 2804(1)(i), 2804(1)(ii), and 2804(1)(iii) explicitly describe the qualifications for Tier I Solar facilities after passage of Act 40; Section 2804(2)(i) clarifies that all Tier I Solar facilities certified before passage of Act 40 that are located within the geographic boundaries of Pennsylvania are to be held harmless from this legislation; and Section 2804(2)(ii) enjoins the legislation from breaching existing contracts from out of state Tier I Solar facilities which were entered into before passage to serve the AEPS Act needs of Pennsylvania entities. Therefore, we believe we must support the adoption of our interpretations of Section 2804(2)(i) and 2804(2)(ii) in a manner consistent with the Joint Statement by Chairman Gladys M. Brown-[Dutrieuille] and Vice Chairman Andrew G. Place to the Tentative Order. The interpretation of Section 2804(2)(i) of the Adm. Code, 71 P.S. § 714(2)(i) is as follows:

Section 2804(2)(i)—We interpret the phrase “[a] certification originating within the geographical boundaries of this Commonwealth. . .” as a facility located within Pennsylvania having received an AEPS Act Tier I solar photovoltaic share certification.

Id. at 20.

The Commission accordingly proposed to interpret the phrase “[a] certification originating within the geographical boundaries of this Commonwealth. . .” in Section 1799.10-E(a)(2)(i) as meaning a facility located within Pennsylvania having received an AEPS Act Tier II certification.

1. Comments

The Commission received comments from the Legislature that approved the Commission’s interpretation of “[a] certification originating within the geographical boundaries of this Commonwealth. . .” in Section 1799.10-E(a)(2)(i). They collectively opined that:

This statute is not intended to “grandfather” any out-of-state facilities certified before November 23, 2020, to generate Tier II AEPS credits, except for those Tier II AECs subject to “existing contracts” used for AEPS compliance during the limited period for which they are specifically “grandfathered” in Act 114. To allow any Tier II AESs not located in Pennsylvania, including out-of-state AESs located in a transmission zone extending into the Commonwealth, does nothing to “close the borders.”

Legislature Comments at 2.

ARIPPA also expressed support of this interpretation asserting that limiting the eligibility of AEPS Act Tier II

as proposed in the Tentative Order is consistent with prior legislative action by Pennsylvania and neighboring states to encourage domestic alternative energy production and economic development. ARIPPA Comment at 7. Further, ARIPPA agrees that the Tentative Order implementing Section 14 is consistent with the Commission’s precedent and contends that there are sufficient Tier II generation sources located in Pennsylvania to produce the AECs necessary for all EDCs and EGSs to comply with the current and future AEPS Act Tier II requirements. ARIPPA Comment at 8 and 10.

2. Disposition

Upon review of the comments, the Commission adopts the Tentative Order interpretation. Given the Legislature’s comments clearly expressing the intent of Section 1799.10-E(a)(2)(i) and the Commission’s previous interpretation of the phrase “[a] certification originating within the geographical boundaries of this Commonwealth. . .” the Commission will interpret this phrase in Section 1799.10-E(a)(2)(i) as meaning a facility located within Pennsylvania having received an AEPS Act Tier II certification.

G. Section 1799.10-E(a)(2)(ii)

This subsection addresses the scenario where a Tier II AES had received a Pennsylvania certification as an AES eligible to meet the Tier II share requirement prior to November 23, 2020, the effective date of Act 114. Specifically, this subsection grandfathers certification of a Tier II AES with a binding written contract for the sale and purchase of Tier II AECs derived from Tier II energy sources for the remaining term of the contract as of the effective date of this section, but only until the current term of the contract terminates.

In the Tentative Order we proposed to interpret the language used in Section 1799.10-E(a)(2)(ii) consistently with the Commission’s interpretation of the same language used in Section 2804(2)(ii) of the Administrative Code of 1929 in relation to the Commission’s treatment of solar photovoltaic resources. 71 P.S. § 714.

Specifically, we interpreted this section to only permit out-of-state facilities that are (a) already certified as a Tier II AES and that (b) have entered into a contract with a Pennsylvania EDC or EGS serving Pennsylvania customers, for the sale of Tier II AECs, to maintain certification until the expiration of the contract. If the Commission deems the existing contract for Tier II AECs eligible, eligibility will be valid for the term of the contract and in accordance with the banking provisions. For open-ended contracts or contracts that automatically renew, we proposed that eligibility will terminate at the end of the current term of the last renewal that occurred prior to November 23, 2020.

1. Comments

The Commission received comments from Constellation/ExGen, Dominion Energy, Duquesne Light, PPL Electric and WGL Energy. Constellation/ExGen commented that contracting for AECs is rarely accomplished through a single contract between a facility and an EDC or EGS. Constellation/ExGen Comment at 3. Constellation/ExGen suggests that we clarify that all contracts with EGSs, EDCs and/or their wholesale suppliers, as well as any other entity holding contracts entered into prior to November 23, 2020 and within the chain of production of the Tier II AECs supplying those contracts may file a petition.

Similarly, Dominion Energy recommends that the Commission amend its language from the Tentative Order to

indicate that AECs that are generated by an out-of-state AES and sold to an intermediary party that holds an existing contractual relationship with a Pennsylvania EDC or EGS should be recognized as being “grandfathered” under Section 1799.10-E(a)(2)(ii). Dominion Energy Comment at 3. Dominion Energy agrees with the Commission that Section 1799.10-E(a)(2)(ii)’s intent is to “grandfather” Tier II sources certified prior to the enactment of Act 114 with existing contracts. Dominion Energy Comment at 2. However, Dominion Energy believes that the Commission should read Section 1799.10-E(a)(2)(ii) liberally because this could immunize the Commonwealth from contracts clause and takings claims and it would lessen the burden on regulated entities in maintaining compliance with the AEPS Act. Dominion Energy Comment at 2.

Constellation/ExGen and Dominion Energy also contend that the Commission should take a liberal view as to what constitutes an agreement in existence prior to November 23, 2020. Dominion Energy asserts that there is no requirement in Pennsylvania contract law to support the Commission’s proposed requirement that there be a binding written contract to qualify for the agreement being in existence prior to November 23, 2020. Dominion Energy Comment at 4. Dominion Energy argues that there is no intent in the legislation that any specific type of written contract is required and that there are no preconceived notions as to how or in what form the parties must contract. Dominion Energy Comment at 4-5. As such Dominion Energy proposes the following change to the language on page 10 of the Commission’s Tentative Order:

[W]e interpret this section to only permit out-of-state facilities that are (a) already certified as a Tier II AES and that (b) provide evidence demonstrating the formation of a contractual relationship or relationships that result in the sale of Tier II AECs to a Pennsylvania EDC or EGS serving Pennsylvania customers, to maintain certification until the expiration of the contract.

Dominion Energy Comment at 5. Similarly, Constellation/ExGen requests that the Commission be flexible in its treatment of evidence supporting binding written contracts that EDCs, EGSs and wholesale suppliers submit given that Act 114 gave only one business day notice of the change to out-of-state Tier II AECs. Constellation/ExGen Comment at 4. Constellation/ExGen recommends that the Commission recognize broker confirmations as binding written contracts under Act 114. Constellation/ExGen Comment at 4.

Additionally, Constellation/ExGen, Duquesne Light, FirstEnergy, PPL Electric and WGL Energy all expressed concern regarding the treatment of AECs generated out-of-state prior to November 23, 2020 that are not part of an existing contract. Duquesne Light recommended that Tier II credits retain their Tier II attribute assigned to it at the time of generation until it expires because this would allow EGSs to use any credits that were appropriately secured and put into reserve prior to the legislative changes imposed by the AEPS Act. Duquesne Light Comment at 5. Duquesne Light, FirstEnergy and PPL Electric all suggested that the Commission direct PJM-GATS to issue unique labels for in-state Tier II AECs like the labeling created to designate in-state solar resources from our implementation of Act 40 of 2017. Duquesne Light Comment at 4, FirstEnergy Comment at 8, PPL Electric Comment at 4. WGL Energy also requested clarification that AECs generated out-of-state on or before November 23, 2020 qualify for Tier II treatment and do

not require a petition to qualify these AECs under the AEPS Act. WGL Energy Comment at 2.

The Commission also received comments from the Legislature. The Legislature opined:

Regarding “grandfathering” of existing contracts, language was added to further emphasize that existing contracts shall be allowed to sunset, however “only until the current term of the contract terminates.” Once those contracts sunset, they will not be renewed if the Tier II AES is not within the geographical boundaries of the Commonwealth.

With respect to how banked AECs from out-of-state Tier II AESs will be categorized and permitted to fulfill the AEPS Tier II requirement, the intent of Act 114 is that out-of-state AESs will no longer qualify to meet the compliance requirements of Tier II of the AEPS; however, out-of-state Tier II AESs could still be eligible for selling AECs created prior to November 23, 2020 if the AESs were registered for AEPS prior to that date.

The Legislature Comment at 2.

2. Disposition

The Commission will adopt the Tentative Order’s proposed interpretation of Section 1799.10-E(a)(2)(ii) with clarification. The Commission agrees with Constellation/ExGen and Dominion Energy that clarification is needed regarding how we will interpret the grandfathering provision in Section 1799.10(a)(2)(ii). A key phrase in this section is “for the sale and purchase of alternative energy credits.” AECs are defined in the AEPS Act and our regulations as “[a] tradable instrument that is used to establish, verify and monitor compliance with [the AEPS Act].” The definition goes on to state that “[a] unit of credit shall equal one megawatt hour of electricity from an alternative energy source.” See 73 P.S. § 1648.2 and 52 Pa. Code § 75.1. A Tier II system that produces electricity is an alternative energy source under the AEPS Act. See 73 P.S. § 1648.2 (definition of alternative energy source). Therefore, one megawatt hour of electricity produced by a Tier II system can produce one AEC, if it is used to meet the requirements of the AEPS Act and meets all the other requirements of the AEPS Act, as amended.

We clarify that Section 1799.10-E(a)(2)(ii) specifically requires that the contract relate to the sale and purchase of AECs. Accordingly, in order to qualify under Section 1799.10-E(a)(2)(ii), the sale and purchase of a Tier II AEC must be connected, in some way, to use by an EDC or EGS for compliance with the AEPS Act before it can even be considered an AEC. We further clarify that Section 1799.10-E(a)(2)(ii) only applies to the amount of credits committed to by an out-of-state certified facility to an EDC or EGS.

We agree partly with Constellation/ExGen, and we clarify that all contracts with EGSs, EDCs and/or their wholesale suppliers, as well as any other entity holding contracts entered into prior to November 23, 2020, and within the chain of production of the Tier II AECs supplying those contracts may qualify for recognition as a Tier II AEC under the AEPS Act. However, the Commission will only accept and review petitions for such contracts from regulated entities, i.e., EDCs and EGSs. In the Implementation of Act 40 of 2017, the Commission accepted petitions for recognition of out-of-state AEPS Act Tier I solar photovoltaic share from unregulated entities i.e., AEC wholesale suppliers. The submissions from unregulated entities made it challenging for the Commis-

sion to exert its authority over what information it received from such unregulated entities. This ultimately resulted in an inefficient process of reviewing the validity of grandfathered out-of-state solar share Tier I AECs and in instances of duplications of petitions for the same AECs. Therefore, in implementing the grandfathering provision for Tier II AECs, the Commission will only accept petitions for recognition of out-of-state Tier II AECs from EDCs and EGSs.

The petitions that EDCs and EGSs submit may seek to have the AECs covered by the contracts with their wholesale supplier certified for compliance with the AEPS Act Tier II requirement. We emphasize that only the AECs directly attributable to an EGS serving load in Pennsylvania, an EDC serving load in Pennsylvania or its wholesale supplier will be eligible to be used for the AEPS Act Tier II share requirement pursuant to Section 1799.10(a)(2)(ii).

Additionally, to ensure certainty among marketplace participants, the Commission will accept petitions to qualify eligible out-of-state Tier II AECs no later than one-hundred-and-eighty (180) days from the date of the entry date of this order. The Commission will not review petitions for eligible out-of-state Tier II AECs after the one-hundred-and-eighty (180) days from the entry date of this order.

With respect to Dominion Energy's comments regarding binding written contracts, the Commission disagrees that the Tentative Order creates an artificial requirement for a binding written contract. Section 1799.10-E(a)(2)(ii) expressly states:

- (ii) Certification of a Tier II source with a binding written contract for the sale and purchase of alternative energy credits derived from Tier II energy sources for the remaining term of the contract as of the effective date of this section, but only until the current term of the contract terminates.

72 P.S. § 1799.10-E(a)(2)(ii).

Despite Pennsylvania case law recognizing the formation of contracts without a written agreement, the statute the Commission is tasked with implementing expressly directs that contracts for Tier II AECs must be written binding contracts. Therefore, the Commission will not stray from the plain meaning of the requirements in the statute.

Finally, the Commission addresses the comments submitted from Duquesne Light, FirstEnergy, PPL Electric and WGL Energy regarding the labeling of Tier II AECs that were generated out-of-state prior to November 23, 2020 and the Tier II AECs generated out-of-state after November 23, 2020 pursuant to a contract in existence prior thereto. The Commission did not include a proposed implementation of Section 1799.10-E(a) in its Tentative Order but based upon the comments it received requesting that "grandfathered" AECs receive distinguishable labeling from PJM-GATS, the Commission must discuss what has transpired administratively in the interim between the enactment of Act 114 and the final implementation of Act 114. As of November 23, 2020, PJM-GATS tentatively suspended out-of-state Tier II AES facilities' Pennsylvania certification.⁵ This was done to protect market participants by ensuring that no out-of-state Tier II AECs could be generated without an existing contract. However, this has no effect on out-of-state Tier II AECs generated prior to November 23, 2020, and these AECs retained their Pennsylvania certification label and

can be used for AEPS Act Tier II compliance in accordance with the banking provisions of the AEPS Act and Commission Regulations.

With respect to providing distinct labeling for Tier II AECs generated by out-of-state facilities after November 23, 2020, this is unnecessary. As there can be no Tier II AECs generated from an out-of-state facility after November 23, 2020, unless the Commission determines that there is a contract for AECs from the out-of-state facility that existed prior to November 23, 2020, there is no need to adopt a new labeling system for out-of-state Tier II AECs. The Commission will, however, reinstate a facility's Pennsylvania AEPS Act certification in PJM-GATS when the Commission grants a petition to approve a preexisting contract for Tier II AECs generated by an out-of-state facility after November 23, 2020. Accordingly, there is no need for a new labeling system for Tier II AECs generated out-of-state.

H. Section 1799.10-E(b)

This section provides that contracts entered into or renewed on or after the effective date of Section 1799.10-E, are subject to the provisions of Section 1799.10-E. In the Tentative Order, the Commission proposed to interpret this subsection as limiting the eligibility of systems certified under the contract exception in Subsection 1799.10-E(a)(2)(ii) to the duration of the contract for the sale and purchase of AECs where the contract was entered into prior to November 23, 2020. We also proposed to limit a Tier II AES owner from extending its facility's eligibility through a renewal of the original contract or subsequent contracts. However, the Commission further proposed that the AECs generated and transferred to an EDC or EGS prior to expiration of the contract would continue to be eligible to be used by that EDC or EGS to meet their Tier II share requirements in accordance with 52 Pa. Code § 75.69 (relating to the banking of AECs).

I. Implementation of Section 1799-E(b)

To implement this provision, the Commission proposed that any EDC or EGS seeking to use Tier II AECs generated after November 2020 from AESs located outside the Commonwealth that were acquired through contracts entered into prior to November 23, 2020, to meet their Tier II share requirements file a petition with the Commission after the entry date of the Final Implementation Order. The Commission proposed that EDCs and EGSs should clearly identify in their petitions the information they believe is pertinent for the Commission to determine whether their AECs are eligible to be used by the EDC or EGS to meet its AEPS Act Tier II share requirements. We set forth the proposed minimum information and supporting documentation that EDCs and EGSs should provide in their petitions as follows:

- (1) Complete and unredacted copies of all contracts, and amendment(s) thereto supporting the claim for approval of AECs to be used by the EDC or EGS to meet its Tier II share requirements of the AEPS Act;
- (2) Documentation that the out-of-state Tier II facilities were certified as an AEPS Act Tier II resource before November 23, 2020;
- (3) Documentation that the EDC or EGS entered into a contract prior to November 23, 2020, for the purchase of AECs;
- (4) Documentation of the expiration date of the contracts;
- (5) Documentation of the number of AECs being purchased by the EDC or EGS; and

⁵ This tentative suspension has no effect on a facilities' certification in other states.

(6) Verification pursuant to 52 Pa. Code § 1.36.

The Commission proposed that EDCs and EGSs file their petitions with the Commission in accordance with 52 Pa. Code § 5.41. We further proposed that these petitions should be served on the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation and Enforcement.

1. Comments

We received comments from Cleveland Cliffs, Constellation/ExGen and Dominion Energy regarding the implementation of Section 1799.10(b). The comments received focus on the documentation we proposed to request with a petition and what parties may file a petition for recognition of out-of-state Tier II AECs.

Cleveland Cliffs noted in its comments that while it is a licensed EGS, it does not provide its services to any third parties. Cleveland Cliffs Comment at 2. Instead, it provides electric power through the PJM wholesale market only for its own Pennsylvania and Ohio steelmaking operations as well as serving certain affiliates. Cleveland Cliffs Comment at 2. Since it is a licensed EGS, Cleveland-Cliffs Steel must comply with the AEPS Act. Cleveland-Cliffs Comment at 2. However, neither Cleveland-Cliffs nor its affiliates have cogeneration facilities physically located within Pennsylvania. Cleveland-Cliffs Comment at 2. Cleveland-Cliffs has met its Tier II AEPS Act requirements by supplying Tier II credits from within its own corporate structure which happens to reside outside of Pennsylvania. Cleveland-Cliffs Comment at 2. Cleveland-Cliffs requests that the Commission take into consideration Pennsylvania businesses that have internal business arrangements in place to support AEPS Act compliance. Specifically, it requests that we amend the language describing the minimum information and supporting documentation that must be submitted for proving an existing binding written contract. Cleveland Cliffs Comment 4.

Cleveland Cliffs suggests that the Commission request documentation showing that the EDC or EGS entered into a contract or arrangement prior to November 23, 2020, for the purchase, transfer or use of AECs. Cleveland-Cliffs Comment at 4. Additionally, Cleveland-Cliffs requests that we add another document request with the following language:

An EGS that limits its retail sales to itself and/or its affiliated companies may submit documentation of its arrangement(s) for the transfer or use of AECs generated by the EGS through internal corporate documents and cost accounting principles.

Cleveland-Cliffs Comment at 4.

Constellation/ExGen noted that when the Commission issued the Act 40 Final Implementation Order it was followed by a Secretarial Letter that included the requirement for petitions seeking to confirm that AECs generated by out-of-state facilities still qualified under the AEPS Act based on pre-existing contracts with EDCs or EGSs, for the remaining term of such contracts. Constellation/ExGen Comment at 2. Constellation/ExGen and Dominion Energy contend that the Commission should accept petitions from wholesale suppliers and other entities besides EDCs and EGSs. Constellation/ExGen Comment 2 and Dominion Energy Comment at 3. Specifically, Constellation/ExGen contends that the language we used in the Act 40 Clarification Order applies equally to the implementation of Act 114.

Constellation/ExGen also commented that the contracts submitted with petitions should be permitted to have

pricing information redacted and only be submitted confidentially if it becomes an issue during the proceeding. Constellation/ExGen contends that these binding written contracts contain sensitive pricing information and that this information is not necessary in proving the existence of a contract prior to November 23, 2020.

2. Disposition

The Commission will adopt the Tentative Order's proposed implementation of Section 1799.10-E(b) with clarification. With respect to the comments received pertaining to the entities that may file petitions for out-of-state Tier II AECs, the Commission clarifies that it will accept petitions from EDCs and EGSs only. As previously stated, *supra*, this will enable the Commission to review petitions more efficiently for out-of-state Tier II AEC contracts and ensure that all of the regulated entities have recourse before the Commission. However, we emphasize that only the AECs directly attributable to an EGS serving load in Pennsylvania, an EDC serving load in Pennsylvania or its wholesale supplier will be eligible to be used for the AEPS Act Tier II share requirement pursuant to Section 1799.10-E(a)(2)(ii). To do otherwise would make Section 1799.10-E(a)(2)(ii) meaningless by making the exception become the rule, in that it would permit the sale and purchase of all credits generated by out-of-state facilities eligible and include contracts not entered into prior to November 23, 2020.

The Commission is cognizant that it will take additional time for review of petitions for recognition of existing contracts for Tier II AECs generated by an out-of-state facility. As such, the Commission further directs EDCs and EGSs submitting petitions for authorizing contracted for Tier II AECs generated by an out-of-state facility to also submit a petition to extend their AEPS Act compliance true-up period for Tier II compliance, if necessary. Such request for extension will only apply to the EDCs or EGSs Tier II compliance obligations, not their Tier I or Tier I Solar compliance obligations.

With respect to Cleveland Cliffs' request for changes to the petition requirements we enumerated in the Tentative Order, the Commission will not adopt these changes. However, for clarification, the Commission intends for the petitioning process to provide affected EDCs and EGSs the opportunity to present their respective AEPS Act Tier II circumstances to the Commission where the Commission can address these individual circumstances on a case-by-case basis. The Commission finds that broadening the request for documents to be submitted with petitions could invite extraneous documentation that is irrelevant to making a determination of an existing written contract reducing the Commission's efficiency in rendering a decision. Accordingly, with these clarifications, the Commission adopts the Tentative Order's implementation of Section 1799.10-E(b).

Finally, we agree with Constellation/ExGen's request that EDCs and EGSs be permitted to redact pricing information from contracts it submits with petitions. We clarify that petitions submitted for proving the existence of a binding written contract prior to November 23, 2020 may have pricing information redacted from the contracts submitted if it is not necessary to determine the existence of the agreement. To the extent any party filing a petition has the need to submit confidential information, it may file such documentation marked "confidential" with the Commission's Secretary with the corresponding docket noted.

J. Section 1799.10-E(c)

This section provides definitions for the following terms to be used only in Section 1799.10-E unless the context clearly indicates otherwise. Section 1799.10-E(c) provides that the terms “Alternative energy source” and “Electric distribution company” are defined as they are defined in Section 2 of the AEPS Act. Accordingly, the Commission proposed to interpret these terms as they are already defined in Section 2 of the AEPS Act.

1. Comments

No comments were submitted concerning Section 1799.10-E(c), specifically. However, we received comments from ARIPPA, the Legislature and Wheelabrator Technologies that generally supported adopting the entire Tentative Order.

2. Disposition

The Commission will adopt its interpretation of Section 1799.10-E(c) from its Tentative Order in its entirety. Accordingly, the Commission interprets these terms as they are already defined in Section 2 of the AEPS Act.

Conclusion

With this Order we begin the process of implementing Act 114, while recognizing that there are complexities in implementing and complying with the Act that may reveal issues which require further Commission action. The Commission will address any such issues, at this docket, and in a manner that provides all interested parties appropriate notice and opportunity to be heard; *Therefore,*

It Is Ordered That:

1. The Commission hereby adopts the interpretation and implementation of Section 1728-E and 1799.10-E of the Fiscal Code, 72 P.S. §§ 1 et seq, as set forth in this Order.

2. A copy of this order be served on all jurisdictional electric distribution companies, all licensed electric generation suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, Department of Military and Veterans Affairs, and any party that filed comments at this Docket.

3. Electric Distribution Companies and Electric Generation Suppliers seeking to qualify credits under Section 1799.10-E(a)(2)(ii) of the Fiscal Code, 72 P.S. § 1799.10-E(a)(2)(ii), are required to file a Petition within one-hundred-and-eighty (180) days of the entry date of this Order.

4. Electric Distribution Companies and Electric Generation Suppliers seeking to qualify credits under Section 1799.10-E(a)(2)(ii) of the Fiscal Code, 72 P.S. § 1799.10-E(a)(2)(ii), may simultaneously file a petition to extend their true-up period for their Tier II Alternative Energy Credit compliance obligations, if necessary.

5. A copy of this Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website at www.puc.pa.gov.

6. The Office of Competitive Market Oversight shall electronically send a copy of this Order to all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

7. The contact persons for this Final Implementation Order are Aspasia V. Staevska, Assistant Counsel, Law Bureau, astaevska@pa.gov, (717) 425-7403, Joseph P. Cardinale, Jr., Assistant Counsel, Law Bureau, [\[pa.gov\]\(http://pa.gov\), \(717\) 787-5558, and Darren Gill, Bureau of Technical Utility Services \[dgill@pa.gov\]\(mailto:dgill@pa.gov\), \(717\) 783-5244.](mailto:jcardinale@</p>
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ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 6, 2021

ORDER ENTERED: May 6, 2021

[Pa.B. Doc. No. 21-819. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. PECO Energy Company

Public Meeting held
May 6, 2021

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

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. PECO Energy Company;
M-2021-3014286*

Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Joint Petition for Approval of Settlement (Joint Petition, Settlement or Settlement Agreement) filed on February 12, 2021, by the Commission's Bureau of Investigation and Enforcement (I&E) and PECO Energy Company (PECO or Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E concerning improper electric service terminations for approximately 49,500 customers. Both Parties submitted Statements in Support of the Settlement. The Parties submit that the proposed Settlement is in the public interest and consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy. Settlement ¶ 39 at 13. We will publish the Settlement in the *Pennsylvania Bulletin* and seek comments from interested parties within twenty-five days after the date of its publication. We shall also direct that the Settlement be posted to PECO's website.

History of the Proceeding

On June 25, 2018, PECO's call center third-party vendor made a dialer platform change resulting in two separate computer errors that ultimately caused improper service termination for approximately 49,500 electric customers between June 25, 2018 and September 10, 2019.

PECO discovered the first error on August 9, 2018, and suspended all service terminations. This error led to the termination of a large number of electric customers without those customers first receiving the required second seventy-two-hour telephone call to either the customer or an adult occupant of the household at least three days, or seventy-two hours, prior to the scheduled termination. PECO reported the incident to the Commission's Bureau of Consumer Services (BCS) on August 16,

2018, and BCS referred the matter for investigation to I&E. PECO resolved the first issue on August 20, 2018.

The second error was not detected by PECO until September 10, 2019, when the Company was investigating an informal complaint filed by a customer on September 5, 2019. This error led to the Company's termination of service for a large number of customers on a day different than that on which the previous service termination occurred due to the first error. PECO again suspended all service terminations until September 12, 2019, which was the date the second error was resolved.

Upon completion of its informal investigation, I&E was prepared to file a Formal Complaint against PECO that it had violated Section 1503(b) of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. ¶ 1503(b), regarding personal contact before service is discontinued,¹ and Section 56.333 (a) and (b) of the Commission's Regulations, 52 Pa. Code § 56.333, regarding termination of service.² However, I&E and PECO engaged in voluntary negotiations and achieved an agreement to resolve the matter through a settlement.

On February 12, 2021, the Parties filed the Joint Petition for Approval of Settlement for the Commission's consideration.

Background

As noted, on June 25, 2018, PECO's call center third-party vendor made a dialer platform change that resulted in two separate computer errors that ultimately caused improper service terminations for approximately 49,500 electric customers between June 25, 2018 and September 10, 2019. Settlement ¶¶ 12, 13 at 4; ¶ 18 at 5. The first computer error, which was discovered on August 9, 2018, was caused by a platform change that incorrectly recorded the second three-day notice telephone attempt as being successful, when it was not. Settlement ¶ 13 at 4. For this reason, PECO did not complete the required three-day or seventy-two-hour telephone call attempt to contact the customer. *Id.* The erroneous designation of the second three-day notice telephone attempt was due to a missed unidentified coding requirement specific to calls categorized as "not made" during the testing. Settlement ¶ 15 at 4. Therefore, the vendor made a subsequent change in the call-pacing to address service level concerns. However, this caused the second call attempts to appear as "not made" within the calling window. *Id.* at 5. Since there was no code assigned in the new dialer platform for calls that were "not made," the calls were deemed "successful" by default. *Id.* Consequently, certain residential customer accounts were passed over, but were still reported as "successful" calls. *Id.* These changes caused PECO to incorrectly record the seventy-two hour calls as "successful" when PECO did not complete the second three-day telephone call attempt. This first issue was fully resolved by August 20, 2018. Settlement ¶ 14 at 4.

The second computer error, which was discovered when the Company was investigating a formal complaint on September 10, 2019, also caused the seventy-two-hour call to incorrectly list the customer's current bill due date

¹ Section 1503(b) of the Code requires that, in addition to any written notice of discontinuance of a customer's service, the utility must personally contact the customer at least three days, or seventy-two hours, prior to discontinuing service.

² Section 56.333 of the Commission's Regulations prohibits electric distribution utilities from terminating electric service for customers without first attempting to contact the customer or responsible adult occupant, either in person or by telephone, at least three days prior to the scheduled termination. If contact is attempted by telephone, the utility must attempt to call the residence on at least two (2) separate days. With respect to the content of the seventy-two-hour calls, Section 56.333 also provides that the three-day personal contact must include the earliest date at which the termination may occur. Settlement ¶¶ 20, 21 at 5-6.

as the termination date. This resulted in the incorrect termination date during the seventy-two-hour call. Settlement ¶ 16 at 5. This second issue was fully resolved by September 12, 2019. Settlement ¶ 17 at 5.

As a result of its informal investigation, I&E concluded it had sufficient data to substantiate allegations of violations of Section 1503(b) of the Code and Section 56.333 of the Commission's Regulations. Settlement ¶ 19 at 5; ¶ 27 at 7-8. In this regard, I&E was prepared to contend, through filing a formal complaint, that PECO violated certain provisions of the Code and Commission Regulations as described below:

A. PECO through its third-party vendor failed to comply with 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a)—(c), in that PECO through its third-party vendor illegally terminated service to the accounts due to the vendor's dialer platform error. Specifically:

i. The 72-hour call attempts were incorrectly recorded as "successful" when PECO did not complete the second three-day telephone attempt. Consequently, these accounts were terminated without the company complying with provision that it must attempt personal contact with the customer or adult occupant at least three days prior to the scheduled termination date. 52 Pa. Code § 56.333(a)-(b); and

ii. The 72-hour call attempts incorrectly listed the customer's current bill due date as the termination date. Therefore, PECO did not provide the correct termination date during the 72-hour call. 52 Pa. Code § 56.333(c).

B. If proven, these would be violations of 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a)—(c).

Settlement ¶ 29 at 8-9.

As a result of negotiations between I&E and PECO, the Parties have agreed to resolve their differences and urge the Commission to approve the Settlement as being in the public interest. Settlement at 1; ¶ 10 at 4; ¶ 45 at 15. In the Settlement, PECO does not dispute I&E's allegations and fully acknowledges the seriousness of those allegations. In addition, I&E credits PECO with placing into effect appropriate measures approved by I&E to ensure that such oversight is not likely to reoccur. Settlement ¶ 30 at 9. I&E also acknowledges that PECO: (1) remained active in communications and informal discovery; (2) fully cooperated and complied with I&E's investigation and requests for information and documentation; and (3) continued to explore the possibility of resolving this investigation, which ultimately culminated in the instant Settlement. Settlement ¶¶ 31, 32 at 9.

Terms of the Settlement

Pursuant to the Settlement, the Parties agree to stipulate to the following terms:

A. PECO will pay a civil penalty amount of Fifty Thousand Dollars (\$50,000.00) to resolve all allegations of illegal termination of electrical service to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations arising from, or related to, the termination of the accounts at issue. No portion of this civil penalty payment shall be recovered from Pennsylvania consumers by any future proceeding, device, or manner whatsoever. Said payment shall be made within thirty (30) days of the date of the Commission's final order approving the Settlement Agreement and shall be made by certified check or money order made payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

B. PECO will also make a contribution of Twenty-Five Thousand Dollars (\$25,000) to its Matching Energy Assistance Fund (“MEAF”) in 2021. Specifically, in 2021 PECO will donate \$5,000 to each of its five major MEAF agencies to fund additional MEAF grants: Bucks County—Bucks County Opportunity Council, Inc.; Chester County—Human Services, Inc.; Delaware County—Community Action Agency of Delaware County, Inc.; Montgomery County—Community Action Development Commission; and Philadelphia County—Utility Emergency Services Fund. PECO’s MEAF assists approximately 750 to 1,000 customers annually who have been terminated or are in danger of termination. While not precedent setting, due to the unique circumstances presented in 2020, the contribution to PECO’s MEAF will provide much needed assistance given the impact of 2020 on its customers.

C. PECO will take or has taken corrective action and implemented revisions to its operating procedures which will act as safeguards against future termination issues as outlined above. The pertinent portions of PECO’s corrective actions are briefly described as follows:

PECO implemented a change to fix the dialer system glitch, which has been validated through testing and confirmation in the results file. The primary change implemented was to add a new dialer code for calls not made. If this code is returned in the results file, the attempt is coded as “unsuccessful.” PECO also corrected the error resulting in an incorrect termination date being listed in the 72-hour calls.

D. For the next two years (from January 1, 2021 through December 31, 2022), PECO will summarize and report the results of its regulatory noticing audits as part of its quarterly meeting with BCS.²

- The noticing audits track transactions between CIMS [Customer Information and Marketing System], vendors, and customers to ensure notices are being processed and delivered correctly;

- The notices that will be audited are: Disconnect Notice; 72-hour (first call); 72-hour (second call)/48 Hour (field notice); and Cut Out for Non-Pay (post termination notice);

- The data points reviewed for accuracy will be as follows: account balances; termination dates; and dates and times of each contact;

- With respect to frequency of audits: detailed transactions will be audited on a monthly basis at the notice level and daily monitoring will include recording transactions through each hand off to ensure the process is working as designed; and

- PECO will confirm with both I&E and BCS when the change to its new third-party vendor (Agent511) has been completed.³

² PECO will begin this reporting at the BCS quarterly meeting following the filing of this Settlement Petition.

³ The changeover to Agent511 was completed on December 10, 2020.

Discussion

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission’s policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

Conclusion

Before issuing a decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall: (1) publish this Opinion and Order and a copy of the proposed Settlement and Statements in Support, attached hereto, in the *Pennsylvania Bulletin*; (2) direct PECO to post this Opinion and Order and a copy of the proposed Settlement and Statements in Support on its website; and (3) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five days after the date of publication in the *Pennsylvania Bulletin*; Therefore,

It Is Ordered That:

1. The Secretary’s Bureau shall duly certify this Opinion and Order along with the attached Settlement Agreement and Statements in Support, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days after the date that this Opinion and Order and the attached Settlement Agreement and Statements in Support are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement Agreement. Comments to the proposed Settlement Agreement shall be filed through efilng. Please know that at this time ALL parties wanting to file with the Commission and participate in proceedings before the Commission, must open an efilng account free of charge through our website and accept eservice. This is in accordance with the Commission’s Emergency Order at Docket No. M-2020-3019262. An efilng account may be opened at our website, <https://www.puc.pa.gov/efiling/default.aspx>.

3. Within five (5) days after the date that this Opinion and Order and the attached Settlement and Statements in Support are published in the *Pennsylvania Bulletin*, PECO Energy Company shall post the documents on its website along with a statement that includes the specific deadline (i.e., the month and day associated with the twenty-fifth day after the documents are published in the *Pennsylvania Bulletin*) for interested parties to file comments with the Commission.

4. A copy of this Opinion and Order, together with the attached Settlement Agreement and the Statements in Support thereof, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

5. Subsequent to the Commission’s review of comments filed in this proceeding, an Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,
 Secretary

ORDER ADOPTED: May 6, 2021

ORDER ENTERED: May 6, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. M-2021-3014286
	:	
	:	
PECO Energy Company,	:	
Respondent	:	

SETTLEMENT AGREEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41, 5.232 and 3.113(b)(3), the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and PECO Energy Company (“PECO” or “Company”) hereby submit this Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) to resolve all issues related to an informal investigation initiated by I&E. I&E’s investigation was initiated based on information provided by the Commission’s Bureau of Consumer Services (“BCS”).

As part of this Settlement Agreement, I&E and PECO (hereinafter referred to collectively as the “Parties”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification. Proposed Ordering Paragraphs are attached as Appendix A. Statements in Support of the Settlement expressing the individual views of I&E and PECO are attached hereto as Appendix B and Appendix C, respectively.

I. Introduction

1. The Parties to this Settlement Agreement (“Settlement” or “Settlement Agreement”) are the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, 400 North Street, Harrisburg, PA 17120 and PECO Energy Company (“PECO” or “Company”), with a principal place of business at 2301 Market Street, Philadelphia, PA 19103.

2. The Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (the “Code”), 66 Pa.C.S. §§ 101, et seq.

3. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

4. The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to I&E and other bureaus with enforcement responsibilities. Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities, Docket No. M-00940593 (Order entered September 2, 1994), as amended by Act 129 of 2008, 66 Pa.C.S. § 308.2(a)(11). See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

5. PECO is a certificated electric distribution company as defined by 66 Pa.C.S. § 2803. PECO is engaged in the transmission and distribution of electricity in territories as authorized by its authority within the Commonwealth of Pennsylvania.¹

6. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over PECO’s actions as an electric distribution company that serves customers in Pennsylvania.

7. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission’s authority for violations of the Code, the Commission’s regulations, or both. Section 3301 allows for the imposition of a fine for each violation and each day’s continuance of such violation(s).

8. Pursuant to Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506 and Section 3.113 of the Commission’s regulations, 52 Pa. Code § 3.113, Commission staff has the authority to conduct informal investigations or informal proceedings in order to gather data and/or to substantiate allegations of potential violations of the Commission’s regulations.

9. I&E instituted an informal investigation of PECO based on information referred to I&E by the Commission’s Bureau of Consumer Services (“BCS”). BCS notified I&E that due to a change to the dialer platform used by PECO’s third-party vendor, the Company terminated service for a large number of customers 1) without completing the second 72-hour phone call to the customer or adult occupant at least three days prior to the scheduled termination, or 2) on a day different from the one listed in the 72-hour call, which are violations of the Pennsylvania Public Utility Code pursuant to 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a) and (b). I&E determined that these allegations warranted that a further investigation be conducted to examine whether the actions of PECO violated Commission regulations.

10. As a result of negotiations between I&E and PECO, the Parties have agreed to resolve their differences as encouraged by the Commission’s policy to promote settlements. See 52 Pa. Code § 5.231. The duly authorized Parties executing this Settlement Agreement agree to the settlement terms set forth herein and urge the Commission to approve the Settlement Agreement as submitted as being in the public interest. Proposed Ordering Para-

¹ PECO was certificated by the Commission as an electric distribution company on May 28, 1937.

graphs are attached as Appendix A. Statements in Support of the Settlement expressing the individual views of I&E and PECO are attached hereto as Appendix B and Appendix C, respectively.

II. Background

11. On August 16, 2018, PECO's Manager of Regulatory Performance contacted the Commission's Bureau of Consumer Services ("BCS") about an issue PECO discovered with its call center third-party vendor.

12. On June 25, 2018, PECO's call center third-party vendor made a dialer platform change. This dialer platform change resulted in two separate errors.

13. First, according to PECO, the change incorrectly recorded the second three-day notice telephone attempt as successful when it was not. Therefore, PECO did not complete the second three-day telephone attempt to contact the customer.

14. The first issue was discovered on August 9, 2018, at which time PECO suspended terminations. This first issue was fully resolved by August 20, 2018.

15. PECO alleges that its third-party vendor completed extensive testing on the new dialer software in May 2018. However, there was an unidentified coding requirement that was missed during testing specific to calls categorized as "not made." A subsequent change in the call-pacing was made in an attempt to address service level concerns. As a result, the second call attempts were "not made" within the calling window. Since there was no code assigned in the new dialer platform for calls that were "not made," the calls were deemed "successful" by default. Consequently, certain residential customer accounts were passed over, yet still reported as "successful" calls. In sum, these changes caused PECO to incorrectly record the 72-hour calls as "successful" when PECO did not complete the second three-day telephone attempt.

16. Second, according to PECO, the dialer platform change also caused the 72-hour call to incorrectly list the customer's current bill due date as the termination date. Therefore, PECO did not provide the correct termination date during the 72-hour call.

17. The second error was not detected until September 10, 2019, when the Company was investigating an informal complaint filed by a customer on September 5, 2019. On September 10, 2019, PECO suspended service terminations. This second issue was resolved by September 12, 2019.

18. As a result of the two errors caused by the dialer platform change, between June 25, 2018 and September 10, 2019, approximately 49,500 customers had service improperly terminated.

19. As a result of the actions above, PECO may have violated provisions of Chapter 56 of Title 52 of the Commission's regulations regarding termination of service.

20. Section 56.333 prohibits electric distribution utilities from terminating electric service for customers without first attempting to contact the customer or responsible adult occupant, either in person or by telephone, at least three days prior to the scheduled termination. See 52 Pa. Code § 56.333. If contact is attempted by telephone, the utility must attempt to call the residence on at least two (2) separate days. See 52 Pa. Code § 56.333.

21. With respect to the content of the 72-hour calls, Section 56.333 also provides that the three-day personal

contact must include the earliest date at which the termination may occur. See 52 Pa. Code § 56.333.

22. Due to a software/platform error, the customers in question had their service terminated 1) without receiving all required 72-hour phone calls or 2) on a day different from the one listed in the 72-hour call, both in violation of 52 Pa. Code § 56.333.

23. PECO reported that a vast majority of the impacted customers have since been reconnected. PECO noted that historically, 95% of restorations occur within three days of the termination. However, over 1,500 of these customers remained without service and have an "Off" meter status.

24. PECO advised that the approximately 1,500 remaining customers/premises were surveyed at least 3 times as part of the Winter Survey process. According to PECO, the Winter Survey reason codes for these customers/premises are as follows:

- Vacant—30%
- Unauthorized Usage—32%
- Appears Occupied—34% ("Appears occupied" typically denotes that there may have been personal items visible through a window or that there was no buildup of mail/trash; however, there were no individuals present at the property at the time of the survey)
- Confirmed Occupied—4%

25. I&E acknowledges that PECO took corrective actions after the 72-hour issues were discovered and that both issues were self-reported by PECO. Specifically, PECO took the following additional steps to reach impacted customers:

- Manual calls were made to the phone number listed for the premises;
- A restoration hotline was established to respond to inbound requests for restoration;
- Two field visits were made to each premises;
- Outbound Dialer calls: two telephone calls were made on two different days (one in the AM and one in the PM);
- A one-time letter was mailed offering an additional Deferred Payment Agreement ("DPA"), if needed;
- Field visits for visual inspection of the premises during which a customer financial assistance packet (that included information about Universal Services Programs) was left;
- An additional DPA was offered to customers whose service was terminated on or before September 10, 2019, the last day the incorrect information was provided, and whose past due balance was between \$350.00 and \$3,000.00; and
- Additionally, PECO extensively promoted its "no payment required" COVID reconnect. All premises with an "off" meter status thus received an additional, well-publicized opportunity to reconnect service without payment.

26. Additionally, PECO terminated its relationship with the third-party vendor in question that handled the 72-hour notification platform/calls. PECO notified I&E that it transitioned its 72-hour notification platform/calls from its third-party vendor to Agent511 on December 10, 2020. PECO notes that it has worked with Agent511 since 2016 to support a large portion of customer outreach programs, such as paperless billing, severe weather alerts, payment reminders, commercial energy usage,

outage notifications/updates, TCPA compliance, and customer appointment reminder/updates. PECO adds that Agent511's 72-hour notification call work will have oversight from several departments within PECO, including Revenue Management and eChannels.

III. Alleged Violations

27. I&E concluded from its investigation that PECO through its third-party vendor acting on behalf of PECO, violated provisions of the Pennsylvania Public Utility Code concerning the termination of service to customers by an electric distribution company, pursuant to 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a)—(c), with regard to terminating service without first attempting personal contact with the customer or adult occupant at least three days prior to the scheduled termination date or on a day different from the one listed in the 72-hour call.

28. The term "personal contact" means, "Contacting the customer or responsible adult occupant in person or by telephone. Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. Calls made to contact telephone numbers provided by the customer shall be deemed to be calls to the residence." See, 52 Pa. Code § 56.333(b)(1).

29. Based on information obtained through its investigation, as described above, and a review of the Commission's regulations and relevant statutes, I&E was prepared to contend by the filing of a formal complaint that PECO violated certain provisions of the Pennsylvania Public Utility Code in that:

A. PECO through its third-party vendor failed to comply with 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a)—(c), in that PECO through its third-party vendor illegally terminated service to the accounts due to the vendor's dialer platform error. Specifically:

i. The 72-hour call attempts were incorrectly recorded as "successful" when PECO did not complete the second three-day telephone attempt. Consequently, these accounts were terminated without the company complying with provision that it must attempt personal contact with the customer or adult occupant at least three days prior to the scheduled termination date. 52 Pa. Code § 56.333(a)-(b); and

ii. The 72-hour call attempts incorrectly listed the customer's current bill due date as the termination date. Therefore, PECO did not provide the correct termination date during the 72-hour call. 52 Pa. Code § 56.333(c).

B. If proven, these would be violations of 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a)—(c).

30. PECO understands the nature of the allegations that I&E would have asserted in a formal complaint, acknowledges its errors accordingly, and has put into effect appropriate measures that have been approved by I&E to ensure that such oversight is not likely to reoccur.

31. As a mitigating factor to the above allegations, I&E acknowledges that PECO fully cooperated with I&E's investigation. During the investigatory process, PECO complied with I&E's requests for information and documentation and provided I&E with records, correspondences, and other documents as requested by I&E.

32. Throughout the entire investigatory process, I&E and PECO remained active in communications and infor-

mal discovery and continued to explore the possibility of resolving this investigation, which ultimately culminated in this Settlement Agreement.

IV. Settlement Terms

33. The purpose of this Settlement Agreement is to terminate I&E's informal investigation and settle this matter completely without litigation. There has been no Formal Complaint filed, no evidentiary hearing before any tribunal, and no sworn testimony taken in any proceeding related to this incident.

34. PECO does not dispute I&E's allegations above and fully acknowledges the seriousness of those allegations.

35. The Parties do not believe that there are any other potentially affected parties with respect to the subject of this Settlement Agreement who should directly receive notice hereof.

36. I&E and PECO, intending to be legally bound and for consideration given, desire to fully and finally conclude this informal investigation and agree to stipulate as to the following terms solely for the purposes of this Settlement Agreement:

A. PECO will pay a civil penalty amount of Fifty Thousand Dollars (\$50,000.00) to resolve all allegations of illegal termination of electrical service to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations arising from, or related to, the termination of the accounts at issue. No portion of this civil penalty payment shall be recovered from Pennsylvania consumers by any future proceeding, device, or manner whatsoever. Said payment shall be made within thirty (30) days of the date of the Commission's final order approving the Settlement Agreement and shall be made by certified check or money order made payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

B. PECO will also make a contribution of Twenty-Five Thousand Dollars (\$25,000) to its Matching Energy Assistance Fund ("MEAF") in 2021. Specifically, in 2021 PECO will donate \$5,000 to each of its five major MEAF agencies to fund additional MEAF grants: Bucks County—Bucks County Opportunity Council, Inc.; Chester County—Human Services, Inc.; Delaware County—Community Action Agency of Delaware County, Inc.; Montgomery County—Community Action Development Commission; and Philadelphia County—Utility Emergency Services Fund. PECO's MEAF assists approximately 750 to 1,000 customers annually who have been terminated or are in danger of termination. While not precedent setting, due to the unique circumstances presented in 2020, the contribution to PECO's MEAF will provide much needed assistance given the impact of 2020 on its customers.

C. PECO will take or has taken corrective action and implemented revisions to its operating procedures which will act as safeguards against future termination issues as outlined above. The pertinent portions of PECO's corrective actions are briefly described as follows: PECO implemented a change to fix the dialer system glitch, which has been validated through testing and confirmation in the results file. The primary change implemented was to add a new dialer code for calls not made. If this code is returned in the results file, the attempt is coded

as “unsuccessful.” PECO also corrected the error resulting in an incorrect termination date being listed in the 72-hour calls.

D. For the next two years (from January 1, 2021 through December 31, 2022), PECO will summarize and report the results of its regulatory noticing audits as part of its quarterly meeting with BCS.²

- The noticing audits track transactions between CIMS, vendors, and customers to ensure notices are being processed and delivered correctly;

- The notices that will be audited are: Disconnect Notice; 72-hour (first call); 72-hour (second call)/48 Hour (field notice); and Cut Out for Non-Pay (post termination notice);

- The data points reviewed for accuracy will be as follows: account balances; termination dates; and dates and times of each contact;

- With respect to frequency of audits: detailed transactions will be audited on a monthly basis at the notice level and daily monitoring will include recording transactions through each hand off to ensure the process is working as designed; and

- PECO will confirm with both I&E and BCS when the change to its new third-party vendor (Agent511) has been completed.³

37. In exchange for the actions taken by PECO, as described above, I&E agrees not to institute any formal complaint relating to the illegal electric service terminations that are the subject of this Settlement Agreement.

38. In consideration of the Company’s payment of a monetary civil penalty, its contribution to MEAF agencies, and its compliance with the non-monetary terms of this settlement, as specified herein, I&E agrees to forgo the institution of any formal complaint that relates to the Company’s conduct as described in the Settlement Agreement. Nothing contained in this Settlement Agreement shall adversely affect the Commission’s authority to receive and resolve any informal or formal complaints filed by any affected party with respect to the incident, except that no penalties beyond the civil penalty amount agreed to herein may be imposed by the Commission for any actions identified herein.

39. I&E and PECO jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission’s Policy Statement for Litigated and Settled Proceedings Involving Violations of the Code and Commission Regulations, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E’s allegations of the termination procedure violations that are the subject of the I&E’s informal investigation and avoids the time and expense of litigation, which entails hearings and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals. Attached as Appendices B and C are Statements in Support submitted by I&E and PECO, respectively, setting forth the bases upon which the Parties believe the Settlement Agreement is in the public interest.

V. Conditions of Settlement

40. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth

² PECO will begin this reporting at the BCS quarterly meeting following the filing of this Settlement Petition.

³ The changeover to Agent511 was completed on December 10, 2020.

herein may be made unless they are in writing and are expressly accepted by the parties involved. This Settlement Agreement shall be construed and interpreted under Pennsylvania law, without regard to its conflicts of laws provisions.

41. The Settlement is conditioned upon the Commission’s approval of the terms and conditions contained in this Joint Settlement Petition without modification. If the Commission modifies this Settlement Agreement, any party may elect to withdraw from this Settlement Agreement and may proceed with litigation and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon all parties within twenty (20) business days after entry of an Order modifying the Settlement.

42. The Parties agree that the underlying allegations were not the subject of any hearing or formal procedure and that there has been no order, findings of fact or conclusions of law rendered in this complaint proceeding. It is further understood that, by entering into this Settlement Agreement, PECO has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings that may arise as a result of the circumstances described in this Settlement Agreement.

43. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party’s position with respect to any issues raised in this proceeding.

44. This Settlement Agreement is being presented only in the context of this proceeding in an effort to resolve the proceeding in a manner that is fair and reasonable. This Settlement Agreement is presented without prejudice to any position that any of the parties may have advanced and without prejudice to the position any of the parties may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement Agreement. This Settlement Agreement does not preclude the parties from taking other positions in any other proceeding.

45. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission’s rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement and PECO Energy Company respectfully request that the Commission issue an Order approving the terms of this Settlement Agreement in their entirety as being in the public interest.

Respectfully Submitted,

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement

By: Christopher M. Andreoli
Prosecutor
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120
chandreoli@pa.gov

Date: February 12, 2021

PECO Energy Company
 By: Anthony E. Gay
 Vice President and General Counsel
 PECO Energy Company
 2301 Market Street, S23-1

Philadelphia, PA 19103
 Phone: 215.841.4353
 Fax: 215.568.3389
 anthony.gay@exeloncorp.com
 Date: February 12, 2021

Appendix A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	Docket No. M-2021-3014286
v.	:	
	:	
PECO Energy Company	:	

PROPOSED ORDERING PARAGRAPHS

1. That the Settlement Agreement filed on February 12, 2021, between the Commission’s Bureau of Investigation and Enforcement and PECO Energy Company (“PECO”) is approved in its entirety without modification.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within thirty (30) days of the date this Order becomes final, PECO shall pay fifty thousand dollars (\$50,000.00), which consists of the entirety of the civil penalty settlement amount. Said payment shall be made by certified check or money order payable to “Commonwealth of Pennsylvania” and shall be sent to:

Secretary
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PA 17120

3. Additionally, PECO will make a contribution of twenty-five thousand dollars (\$25,000.00) to its Matching Energy Assistance Fund (“MEAF”) in 2021. Specifically, PECO will donate \$5,000 to each of its five major MEAF agencies to fund additional MEAF grants: Bucks County—Bucks County Opportunity Council, Inc.; Chester County—Human Services, Inc.; Delaware County—Community Action Agency of Delaware County, Inc.; Montgomery County—Community Action Development Commission; and Philadelphia County—Utility Emergency Services Fund. PECO will provide I&E with proof of payment of this contribution to its MEAF within thirty (30) days of the date of the Commission’s final order approving the Settlement Agreement.

4. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Office of Administrative Services.

5. Following compliance with above Ordering Paragraphs 2 and 3, this matter shall be marked closed.

Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	Docket No. M-2021-3014286
v.	:	
	:	
PECO Energy Company	:	

STATEMENT IN SUPPORT OF
BUREAU OF INVESTIGATION AND ENFORCEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I. Introduction

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) hereby files this Statement in Support of the Settlement Agreement (“Settlement”) entered into by I&E

and PECO Energy Company (“PECO” or “Company”) (collectively, the “Parties”) in the above-captioned proceeding. The Settlement, if approved, fully resolves all issues related to I&E’s informal investigation into PECO’s issue pertaining to service terminations.

I&E submits that the Settlement, which was amicably reached by the Parties after extensive negotiations and

careful consideration, balances the duty of the Commission to protect the public interest, including the Company's customers and all electric consumers in Pennsylvania, with the interests of the Company. Accordingly, I&E respectfully requests that the Commission approve the Settlement, including the terms and conditions thereof, without modification.

II. Background

This matter involves PECO, an electric distribution company licensed by the Commission. PECO is engaged in the transmission and distribution of electricity in territories within the Commonwealth of Pennsylvania, as authorized by its license.

I&E instituted an informal investigation of PECO based on information referred to I&E by the Commission's Bureau of Consumer Services ("BCS"). BCS notified I&E that PECO terminated service for a large number of customers without first attempting to contact the customer or adult occupant at least three days prior to the scheduled termination, which is a violation of the Pennsylvania Public Utility Code pursuant to 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a) and (b). I&E determined that these allegations warranted that a further investigation be conducted to examine whether the actions of PECO violated Commission regulations.

Upon investigation, I&E determined that PECO's failure to follow proper protocol under the Pennsylvania Public Utility Code prior to terminating service for nearly 50,000 customers constitutes conduct of a serious nature and the consequences of this conduct is of a fairly serious nature. These service terminations can prove both traumatic and problematic for the affected customers. It should be noted that there is no evidence or documentation indicating that these violations were intentional; rather, these violations were caused by software issues, as PECO's call center third-party vendor made a dialer platform change.

In making the determination that the instant Settlement was appropriate, I&E weighed this violation against various mitigating circumstances that are present here. Importantly, I&E acknowledges that PECO fully cooperated with I&E's investigation. PECO timely responded to I&E's requests for information. Moreover, throughout the entire investigatory process, I&E and PECO remained active in communications and informal discovery and continued to explore the possibility of resolving this investigation, which ultimately culminated in the Settlement Agreement reached here.

III. The Public Interest

The Commission has consistently determined that a civil penalty is warranted where the public utility company failed to provide reasonable and adequate customer service.

Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to I&E's investigation into PECO's violation, the civil penalty component of the Settlement serves to address I&E's allegations of billing violations.

I&E intended to prove the factual allegations set forth in its investigation at hearing. This Settlement Agreement results from the compromises of the Parties. PECO recognizes the concerns related to this violation and commits to fully complying with the Commission's regulations in the future.

Further, I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures of continued litigation. I&E submits that the Settlement constitutes a reasonable compromise of the issues presented and is in the public interest. As such, I&E respectfully requests that the Commission approve the Settlement without modification.

IV. Terms of Settlement

I&E alleges that in connection with this incident, PECO committed a violation of the Commission's regulations. While the alleged violation was not intentional, I&E submits that PECO remains legally responsible for the alleged violation in this matter.

Based on I&E's allegations, I&E requests that the Commission approve the terms of the Settlement, which include directing PECO to pay a civil penalty in the amount of fifty thousand dollars (\$50,000.00) and make a contribution of twenty-five thousand dollars (\$25,000.00) to its Matching Energy Assistance Fund ("MEAF").

Under the specific terms of the Settlement, I&E and PECO have agreed as follows:

(a) PECO will pay a civil penalty amount of fifty thousand dollars (\$50,000.00) to resolve all allegations regarding the illegal service terminations and to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations arising from, or related to, the alleged violations investigated herein. Said payment shall be made within thirty (30) days of the date of the Commission's final order approving the Settlement Agreement and shall be made by certified check or money order made payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

(b) PECO will make a contribution of twenty-five thousand dollars (\$25,000.00) to its Matching Energy Assistance Fund ("MEAF"). PECO will provide I&E will proof of payment of this contribution to its MEAF within thirty (30) days of the date of the Commission's final order approving the Settlement Agreement. Specifically, PECO will donate \$5,000 to each of its five major MEAF agencies: Bucks County—Bucks County Opportunity Council, Inc.; Chester County—Human Services, Inc.; Delaware County—Community Action Agency of Delaware County, Inc.; Montgomery County—Community Action Development Commission; and Philadelphia County—Utility Emergency Services Fund. PECO's MEAF assists approximately 750 to 1,000 customers annually who have been terminated or are in danger of termination. While not precedent setting, due to the unique circumstances presented in 2020, the contribution to PECO's MEAF will provide much needed assistance given the impact of 2020 on its customers.

(c) PECO has taken corrective action and implemented revisions to its operating procedures which will act as safeguards against future issues involving service terminations. Specifically, PECO took the following additional steps to reach impacted customers after the issue was discovered:

- Manual calls were made to the phone number listed for the premises;

- A restoration hotline was established to respond to inbound requests for restoration;
- Two field visits were made to each premises;
- Outbound Dialer calls: two telephone calls were made on two different days (one in the AM and one in the PM);
- A one-time letter was mailed offering an additional Deferred Payment Agreement (“DPA”), if needed; and
- Field visits for visual inspection of the premises during which a customer financial assistance packet (that included information about Universal Services Programs) was left.
- An additional DPA was offered to customers whose service was terminated on or before September 10, 2019, the last day the incorrect information was provided, and whose past due balance was between \$350.00 and \$3,000.00.
- PECO extensively promoted its “no payment required” COVID reconnect. All premises with an “off” meter status thus received an additional, well-publicized opportunity to reconnect service without payment.
- PECO terminated its relationship with the third-party vendor in question that handled the 72-hour notification platform/calls. PECO is transitioning its 72-Hour notification platform/calls from Alorica to Agent511.

In consideration of PECO’s payment of a civil penalty and contribution to its MEAF, in combination with the corrective actions undertaken by the Company, I&E agrees that its informal investigation relating to PECO’s conduct as described in the Settlement Agreement shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement in its entirety.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any further complaints or initiate other action against PECO at the Commission with respect to the billing issues in question during the time period examined by I&E’s investigation.

V. Legal Standard for Settlement Agreements

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. “The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a

‘burden of proof’ standard, as is utilized for contested matters.” *Pa. Pub. Util. Comm’n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm’n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission’s Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations (“Policy Statement”), 52 Pa. Code § 69.1201; See also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C00992409 (Order entered March 16, 2000). The Commission will not apply the standards as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties “will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest.” 52 Pa. Code § 69.1201(b).

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,
 Christopher M. Andreoli
 Prosecutor
 PA Attorney ID No. 85676

Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
 chandreoli@pa.gov

Dated: February 12, 2021

Appendix C
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. M-2021-3014286
	:	
PECO Energy Company,	:	
Respondent	:	

STATEMENT IN SUPPORT OF PECO ENERGY COMPANY

PECO Energy Company (“PECO”) hereby submits this Statement in Support of the Settlement Agreement (“Settlement”) that was entered into by the Commission’s Bureau of Investigation & Enforcement (“I&E”) and PECO Energy Company (“PECO”) in the above-captioned matter. The Settlement fully resolves all issues related to I&E’s investigation into the alleged unlawful termination of various customers resulting from a change to the dialer platform used by PECO’s third-party vendor. PECO respectfully submits that the Settlement is in the public interest and requests that the Commission approve the Settlement, including the terms and conditions thereof, without modification.

I. Background

PECO adopts the Background discussion set forth in I&E’s Statement in Support.

II. Terms of Settlement

PECO has reviewed the Terms of Settlement as set forth in the Settlement Agreement and agrees that it accurately sets forth the Terms of Settlement.

III. Factors Under the Commission’s Policy Statement

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements decrease the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. “The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a ‘burden of proof’ standard, as is utilized for contested matters.” *Pa. Public Utility Commission, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. See *Pa. Public Utility Commission v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

PECO submits that approval of the Settlement in this matter is consistent with the Commission’s Policy for Litigated and Settled Proceedings Involving Violations of the Code and Commission Regulations (“Policy Statement”), 52 Pa. Code § 69.1201; See also *Joseph A. Rosi v. Bell-Atlantic Pa., Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission’s Policy Statement sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

These factors are: (i) Whether the conduct at issue was of a serious nature; (ii) Whether the resulting consequences of the conduct at issue were of a serious nature; (iii) Whether the conduct at issue was deemed intentional or negligent; (iv) Whether the regulated entity made efforts to modify internal policies and procedures to address the conduct at issue and prevent similar conduct in the future; (v) The number of customers affected and

the duration of the violation; (vi) The compliance history of the regulated entity that committed the violation; (vii) Whether the regulated entity cooperated with the Commission’s investigation; (viii) The amount of the civil penalty or fine necessary to deter future violations; (ix) Past Commission decisions in similar situations; and (x) Other relevant factors. 52 Pa. Code § 69.1201(c).

The Commission will not apply the standards as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties “will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest.” 52 Pa. Code § 69.1201(b).

The first factor considers whether the conduct at issue was of a serious nature and, if so, whether the conduct may warrant a higher penalty. PECO alleges that the conduct in this case was as follows: due a change to dialer platform used by PECO’s third-party vendor, the Company terminated service to a number of customers 1) without completing the second 72-hour phone call to the customer or adult occupant at least three days prior to the scheduled termination, or 2) on a day different from the one listed in the 72-hour call. PECO recognizes that the alleged improper terminations were serious.

The second factor considered is whether the resulting consequences of the conduct in question were of a serious nature. PECO took immediate steps to correct the issues, contact affected customers through a variety of methodologies, and restored service where possible. Specifically, PECO took the following steps to reach impacted customers:

- Manual calls were made to the phone number listed for the premises;
- A restoration hotline was established to respond to inbound requests for restoration;
- Two field visits were made to each premises;
- Outbound Dialer calls: two telephone calls were made on two different days (one in the AM and one in the PM);
- A one-time letter was mailed offering an additional Deferred Payment Agreement (“DPA”), if needed;
- Field visits for visual inspection of the premises during which a customer financial assistance packet (that included information about Universal Services Programs) was left;
- An additional DPA was offered to customers whose service was terminated on or before September 10, 2019, the last day the incorrect information was provided, and whose past due balance was between \$350.00 and \$3,000.00; and
- Additionally, PECO extensively promoted its “no payment required” COVID reconnect. All premises with an “off” meter status thus received an additional, well-publicized opportunity to reconnect service without payment.

PECO also terminated its contract with the third-party vendor and put into place additional checks and auditing to prevent similar issues in the future. PECO self-reported these issues to the BCS and provided updates on its outreach to impacted customers during the subsequent BCS quarterly meetings.

The third factor considers whether the conduct at issue was deemed intentional or negligent. This factor is only to be considered when evaluating litigated cases. 52 Pa. Code § 69.1201(c)(3). Therefore, this factor does not apply to the present case because this proceeding is a settled matter.

The fourth factor to be considered is whether PECO made efforts to modify internal policies and procedures to address the alleged conduct at issue and to prevent similar conduct in the future. As a result of the issues caused by its third-party vendor, PECO promptly terminated its contract with them. Although it already had some auditing and change management procedures, the Company put into place additional checks and auditing to prevent similar issues in the future. PECO also has agreed to summarize and report the results of its regulatory noticing audits to BCS for the next two years. The details of such are as follows:

- The noticing audits track transactions between PECO's Customer Information Management System ("CIMS"), vendors, and customers to ensure notices are being processed and delivered correctly;
- The notices that will be audited are: Disconnect Notice; 72-hour (first call); 72-hour (second call)/48 Hour (field notice); and Cut Out for Non-Pay (post termination notice);
- The data points reviewed for accuracy will be as follows: account balances; termination dates; and dates and times of each contact; and
- With respect to frequency of audits: detailed transactions will be audited on a monthly basis at the notice level and daily monitoring will include recording transactions through each hand off to ensure the process is working as designed.

The fifth factor considers the number of customers affected and the duration of the violation. As a result of the two errors caused by the dialer platform change, between June 25, 2018 and September 10, 2019, approximately 49,500 had service improperly terminated. Upon discovery of the two issues, PECO immediately restored service to all customers, where possible, and took a number of additional steps (described above) to contact and restore the remaining customers.

The sixth factor considers the compliance history of the company. 52 Pa. Code § 69.1201(c)(6). "An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty." *Id.* As a general proposition, neither the Public Utility Code nor the Commission's regulations require public utilities to require constantly flawless service. The Public Utility Code requires public utilities to provide reasonable and adequate, not perfect, service. 66 Pa.C.S. § 1501. PECO submits that it has a strong compliance history with regard to customer service terminations.

The seventh factor to be considered is whether the regulated entity cooperated with the Commission's investigation. PECO has cooperated with I&E throughout all phases of this investigation and settlement process.

The eighth factor is the amount of the civil penalty or fine necessary to deter future violations. PECO submits that no civil penalty would have been necessary to deter

it from committing future violations, but nonetheless has agreed to payment of a \$50,000 civil penalty. Further, in addition to paying the civil penalty, PECO has agreed to increase the amount of funds available for its Matching Energy Assistance Fund ("MEAF") by \$25,000 for 2021, with \$5,000 being assigned to each of its five major MEAF agencies to provide additional hardship grants. PECO notes that it will match the \$25,000 in grant money, as per the terms of its MEAF program, bringing the total potential financial commitment to \$100,000.

The ninth factor examines past Commission decisions in similar situations. The agreement between I&E and PECO provides a civil penalty of \$50,000 for multiple alleged violations for the customer accounts that were impermissibly terminated. PECO submits that this penalty, coupled with its commitments to increase the amount of MEAF funding by \$25,000 for 2021, as well as its additional more comprehensive and robust regulatory notice auditing is an appropriate resolution.

Finally, the tenth factor considers any other relevant factor. PECO agrees with I&E that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. Both parties negotiate from their initial litigation positions. The fines and penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise but allow the parties to move forward and to focus on implementing the agreed upon remedial actions.

I&E and PECO fully support the terms and conditions of this Settlement Agreement. The foregoing terms of this Agreement reflect a carefully balanced compromise of the interests of the parties in this proceeding. The parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the parties. For all of these reasons, PECO submits that this Settlement is consistent with past Commission actions and presents a fair and reasonable outcome.

Wherefore, PECO Energy Company fully supports the Settlement Agreement and respectfully requests that the Commission adopt an order approving the terms and conditions of this Settlement Agreement in its entirety.

Respectfully submitted,

Anthony E. Gay (Pa. No. 74624)
 Jack R. Garfinkle (Pa. No. 81892)
 Kennedy S. Johnson (Pa. No. 203098)
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Dated: February 12, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
 Bureau of Investigation and Enforcement, :
 Complainant :
 :
 v. : Docket No. M-2021-3014286
 :
 PECO Energy Company, :
 Respondent :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement, in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via Electronic Mail:
 Jennedy S. Johnson
 Assistant General Counsel
 PECO Energy
 2301 Market Street
 Philadelphia, PA 19103
 Email: jennedyjohnson@exeloncorp.com

Christopher M. Andreoli
 Prosecutor
 PA Attorney ID No. 85676

Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 Commonwealth Keystone Building
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 Harrisburg, PA 17120
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 chandreoli@pa.gov

Dated: February 12, 2021

[Pa.B. Doc. No. 21-820. Filed for public inspection May 21, 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 June 7, 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 June 7, 2021. In accordance with the Commission’s Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission’s eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the

applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission’s web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant’s web site.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2021-3024878. B2B International, LLC (491 Baltimore Pike # 258, Springfield, PA 19064) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the County of Chester, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2021-3025242. Med-Bridge Transportation, LLC (2301 Bryn Mawr Avenue, Philadelphia, Philadelphia County, PA 19131) for the right to begin to transport, as a common carrier, by motor vehicle, persons in nonemergency medical paratransit service, between points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia. *Attorney:* Glenn Ellis, Esquire, 2301 Bryn Mawr Avenue, Philadelphia, PA 19131.

A-2021-3025717. Junior E. Stahl, t/a Jr. Stahl (54 Broadway Street, Milton, Northumberland County, PA 17847) for the right to begin 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 a motor vehicle, between points within a 150-air mile radius of 2614 Richard Road, Middleburg, Snyder County, PA 17842.

A-2021-3025763. Quality Care Transport Service Ltd, t/a Quality Care Transport Service (3011 West 11th Street, Chester, Delaware County, PA 19013) for the right to begin to transport, as a common carrier, by motor vehicle, persons in nonemergency medical paratransit service, from points in the Counties of Bucks, Chester, Delaware, Lehigh and Montgomery to points in Pennsylvania, and return.

Application of the following for the approval of the right and privilege to *discontinuelabandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2021-3025727. Otto N. Schiberl, Jr., t/a B & B Limousine Rental (P.O. Box 83, Emlenton, Venango County, PA 16373) for the discontinuance and cancellation of the right to transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in Pennsylvania, as more thoroughly described in the initial ordering paragraphs at A-00109349, F.2.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-821. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Supplier Door-to-Door and In-Person Marketing Moratorium, Proclamation of Disaster Emergency—COVID-19

Public Meeting held
May 6, 2021

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

*Supplier Door-to-Door and In-Person Marketing
Moratorium, Proclamation of Disaster
Emergency—COVID-19; M-2020-3019254*

Tentative Order

By the Commission:

On March 6, 2020, Governor Tom Wolf issued a Proclamation of Disaster Emergency that identified the COVID-19 pandemic as a disaster emergency affecting the entire Commonwealth. On March 16, 2020, relying on the Proclamation of Disaster Emergency and the Commission's authority, Chairman Gladys Brown Dutrieuille issued an Emergency Order prohibiting jurisdictional electric generation suppliers and natural gas suppliers (collectively, suppliers) from engaging in door-to-door, public event, and in-person sales and marketing activities during the pendency of the Proclamation of Disaster Emergency, or unless otherwise directed by the Commis-

sion. With this Tentative Order, the Commission seeks comments on the eventual modification and lifting of the March 16, 2020 Emergency Order.

Background

The Governor issued the March 6, 2020 Proclamation of Disaster Emergency pursuant to subsection 7301(c) of the Emergency Management Services Code, 35 P.S. §§ 7101, et seq., and proclaimed the existence of a disaster emergency throughout the Commonwealth for a period of up to 90 days, unless renewed. The Proclamation of Disaster Emergency, explicitly authorizes and directs the suspension of "the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency."¹ On June 3, 2020, the Governor renewed the Proclamation of Disaster Emergency for a period of 90 days and, since then, he has renewed it an additional three times. The most recent renewal was on February 19, 2021, and the Proclamation of Disaster Emergency will expire in May 2021, unless it is renewed again.²

The Commission has promulgated residential sales and marketing regulations for suppliers under its jurisdiction at 52 Pa. Code §§ 111.1—111.14. Regarding door-to-door, public event, and in-person sales and marketing activities, the Commission's regulations at 52 Pa. Code § 111.2 provide the following:

Door-to-door sales—A solicitation or sales method whereby an agent proceeds randomly or selectively from residence to residence.

Public event—An event in a public location which may facilitate sales and marketing activities or may result in a customer enrollment transaction.

Sales and marketing—The extension of an offer to provide services or products communicated orally, electronically or in writing to a customer.

52 Pa. Code § 111.2.

The Chairman's March 16, 2020 Emergency Order prohibited jurisdictional suppliers from engaging in door-to-door, public event, and in-person sales and marketing activities during the pendency of the Governor's Proclamation of Disaster Emergency, or unless otherwise directed by the Commission. The Chairman directed the cessation of these sales and marketing activities to protect the health and safety of customers and supplier employees by minimizing social contact to reduce the spread of COVID-19. The Commission ratified the Emergency Order at the above-referenced docket number on March 26, 2020, finding that it was in the public interest.

On March 19, 2020, the Governor issued an Order Regarding the Closure of All Businesses that are Not Life Sustaining, which directed the closure of the physical operations of non-life-sustaining businesses to reduce the spread of COVID-19 and required businesses that re-

¹ Proclamation of Disaster Emergency, Commonwealth of Pennsylvania, Office of the Governor (March 6, 2020) available at <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200306-COVID19-Digital-Proclamation.pdf>.

² Amendment to Proclamation of Disaster Emergency, Commonwealth of Pennsylvania, Office of the Governor (February 19, 2021) available at <https://www.governor.pa.gov/wp-content/uploads/2021/02/TWW-COVID-disaster-emergency-amendment-digital-sig-2-19-21.pdf>.

mained open to adhere to social distancing requirements.³ Then, on April 22, 2020, the Governor announced a phased plan for reopening businesses and easing social restrictions.⁴ The plan categorized counties into three color-coded phases—red, yellow, and green—based on conditions in the counties with the “red phase” being the most restrictive and the “green phase” being the least restrictive. The first counties moved from the red phase to the “yellow phase” on May 8, 2020, and the first counties moved from the yellow phase to the green phase on May 29, 2020.⁵

On May 21, 2020, NRG filed its first Petition for Partial Rescission of the Commission’s March 16, 2020 Emergency Order establishing a temporary moratorium on door-to-door, public event, and in-person sales and marketing activities by jurisdictional suppliers. NRG requested that the Commission rescind the portion of the Emergency Order that prohibits in-person sales and marketing activities as it pertains to activities at retail businesses open because of directives issued by the Governor.

By Order entered June 4, 2020, at the above-referenced docket number, the Commission granted NRG’s May 21, 2020 Petition for Partial Rescission with modification. The Commission lifted the moratorium on in-person sales and marketing activities for all jurisdictional electric generation suppliers and natural gas suppliers as it pertains to activities at retail businesses open as a result of the Governor’s directives regarding the yellow and green phases. The Commission directed suppliers to report their intent to resume in-person sales and marketing activities at retail businesses to the Commission’s Office of Competitive Market Oversight (OCMO) and the Bureau of Consumer Services (BCS). The Commission also directed suppliers engaging in in-person sales and marketing activities at retail businesses to comply with all relevant orders and guidance of the Governor and the Secretary of Health.

On June 15, 2020, StateWise Energy Pennsylvania, LLC (StateWise) and SFE Energy Pennsylvania, LLC (SFE) filed a Petition for Partial Rescission, or alternatively, Petition for Waiver, of the Commission’s March 16, 2020 Emergency Order. StateWise and SFE requested relief from the prohibition on door-to-door sales and marketing activities for counties in the yellow and green phases of the Governor’s reopening plan. Then, on June 18, 2020, Interstate Gas Supply, Inc. d/b/a IGS Energy’s (IGS) filed a Petition for Partial Rescission of the Emergency Order seeking relief from the prohibition on door-to-door, public event, and in-person sales and marketing activities.

By Order entered July 16, 2020, at the above-referenced docket number, the Commission denied StateWise and SFE’s June 15, 2020 Petition for Reconsideration as well as IGS’s June 18, 2020 Petition for Reconsideration. The Commission held that StateWise, SFE, and IGS did not offer sufficient justification to rescind the portions of the March 16, 2020 Emergency Order, as modified by the June 4, 2020 Order.

³ Order Regarding the Closure of all Businesses that are Not Life Sustaining, Commonwealth of Pennsylvania, Office of the Governor (March 19, 2020) available at <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200319-TWW-COVID-19-business-closure-order.pdf>.

⁴ Reopening Targeted for May 8 in North-Central, Northwest, Commonwealth of Pennsylvania, Office of the Governor (April 22, 2020) available at <https://www.governor.pa.gov/newsroom/gov-wolf-reopening-targeted-for-may-8-in-north-central-northwest/>.

⁵ Gov. Wolf Adds Eight Counties to Yellow and 17 to Green on May 29, Remainder to Yellow on June 5, Commonwealth of Pennsylvania, Office of the Governor (May 22, 2020) available at <https://www.governor.pa.gov/newsroom/gov-wolf-adds-eight-counties-to-yellow-and-17-to-green-on-may-29-remainder-to-yellow-on-june-5/>.

On July 13, 2020 Direct Energy Business, LLC, Direct Energy Services, LLC, and Direct Energy Business Marketing, LLC’s (collectively, Direct Energy) filed a Petition for Clarification or Modification of the Commission’s June 4, 2020 Order and March 16, 2020 Emergency Order. Direct Energy requested relief from the portions of these Orders that prohibit in-person sales and marketing activities with commercial, industrial, and governmental customers that have reopened their businesses as result of the Governor’s directives.

Subsequently, on July 24, 2020, IGS filed a Petition for Rehearing and/or Reconsideration of the Commission’s July 16, 2020 Order. IGS sought reconsideration to allow door-to-door and by-appointment in-person sales and marketing activities.

On August 27, 2020, the Commission entered two Orders at the above-referenced docket number. In its first Order, the Commission denied Direct Energy’s July 13, 2020 Petition for Clarification or Modification finding that Direct Energy did not raise compelling reasons to alter the Commission’s June 4, 2020 Order or March 16, 2020 Emergency Order. In its second Order, the Commission denied IGS’s July 24, 2020 Petition for Reconsideration finding that IGS did not present arguments that warranted reconsideration of the Commission’s July 16, 2020 Order.

Subsequently, on October 22, 2020, NRG filed its second Petition for Partial Rescission of the Commission’s March 16, 2020 Emergency Order. NRG requested that the Commission rescind the portion of the Emergency Order that prohibits suppliers from engaging in in-person sales and marketing activities at public events only as it pertains to outdoor public events held in accordance with orders and directives issued by the Governor and Secretary of Health.

Then, on November 23, 2020, the Governor issued an Order for Mitigation, Enforcement, and Immunity Protections.⁶ Among other things, the Order modified occupancy limits for outdoor gathering venues, setting a limit of up to 2,500 people under certain circumstances. This represented an increase from a previous limit of 250 people. The Order also required venues to comply with an Updated Order of the Secretary of Health requiring Universal Face Coverings as well as social distancing and best practices directives. The Governor’s Order became effective on November 27, 2020.

By Order entered December 3, 2020, at the above-referenced docket number, the Commission granted NRG’s October 22, 2020 Petition for Partial Rescission. The Commission lifted the moratorium on in-person sales and marketing activities for all suppliers as it pertains to activities at outdoor public events held in accordance with orders and directives issued by the Governor and Secretary of Health. The Commission also directed suppliers to report their intent to resume in-person sales and marketing activities at outdoor public events to OCMO and BCS. The Commission further directed suppliers engaging in in-person sales and marketing activities at retail businesses to comply with relevant orders and guidance from the Governor and the Secretary of Health.

The Commission’s December 3, 2020 Order did not otherwise impact the moratorium on door-to-door, public event, and in-person sales and marketing activities and,

⁶ Order for Mitigation, Enforcement, and Immunity Protections, Commonwealth of Pennsylvania, Office of the Governor (November 23, 2020) available at <https://www.governor.pa.gov/wp-content/uploads/2020/11/20201123-TWW-mitigation-enforcement-immunity-order.pdf>.

thus, the March 16, 2020 Emergency Order, as modified by the June 4, 2020 Order and the December 3, 2020 Order, remains in place.⁷

Discussion

Recently, the Governor revised or lifted a number of previously imposed COVID-19 mitigation measures and restrictions. On March 15, 2021, the Governor amended his prior Order for Mitigation, Enforcement, and Immunity Protections⁸ to lift some of the restrictions on restaurants and other businesses, and further increase gathering limits effective April 4, 2021.⁹ Restaurants that undergo a “self-certification” process are now permitted to increase capacity to 75%, while other restaurants are permitted to increase capacity to 50%. Additionally, indoor businesses, including personal services facilities, gyms, and entertainment facilities, are now permitted to increase capacity to 75%. Further, the gathering limit for indoor events is now 25% of maximum occupancy, while the gathering limit for outdoor events is 50% of maximum occupancy. All businesses, however, must continue to strictly comply with the public health safety guidelines and orders of the Governor and the Secretary of Health, including cleaning and mitigation protocols, mask-wearing, and social distancing.

With the Governor’s easing of restrictions, it is now appropriate to initiate a process to address the further modification or lifting the Commission’s March 16, 2020 Emergency Order. While we do not yet know if the Governor’s Proclamation of Disaster Emergency will be extended beyond its current expiration in May 2021, it is nonetheless useful to examine when and how the remainder of the marketing moratorium will end, along with any conditions that may be necessary for the safe resumption of currently prohibited sales and marketing activities. This process will help provide regulatory certainty and avoid confusion among suppliers and consumers.

Accordingly, through this Tentative Order, we ask interested stakeholders to comment on a timeline for further modifying or lifting the March 16, 2020 Emergency Order. Stakeholders should identify the metrics that the Commission may use to determine whether to modify or lift the marketing moratorium. Stakeholders should also propose any conditions to which the Commission should subject suppliers when we modify or lift the Emergency Order. We acknowledge the possibility that, even with the eventual modification and lifting of the Emergency Order, public health and safety concerns may remain for the Commission to address if the COVID-19 pandemic has not fully abated. Thus, stakeholders should address measures to ensure public health and safety, the duration of such measures, and the metrics for later eliminating such measures.

We also note that, by the time the marketing moratorium is lifted, well over a year will have elapsed since suppliers last engaged in certain types of sales and marketing activities. For instance, door-to-door sales and marketing activities usually occur during the warm-

season and many suppliers, agents, and vendors will not have performed door-to-door sales and marketing activities since the Fall of 2019. We are concerned that, once suppliers resume the currently prohibited sales and marketing activities after this long lapse, suppliers will rely on new and inexperienced vendors and agents. Therefore, we invite stakeholders to comment on the need for suppliers to attend Commission training to refresh their understanding of the Commission’s marketing regulations before resuming these sales and marketing activities. Any potential training would likely be offered remotely. We also acknowledge that the need for training may differ depending upon customer class since the marketing regulations at 52 Pa. Code Chapter 111 apply only to residential consumers.

The Commission further asks stakeholders to comment on the need for any additional reporting requirements beyond those found at 52 Pa. Code § 111.14¹⁰ as the Commission modifies or lifts the March 16, 2020 Emergency Order. Stakeholders should also comment on the need for any additional monitoring, oversight, or reporting requirements for supplier contractors, vendors, and agents.

Finally, we seek comments on any additional action that may be necessary with regard to (1) the Commission’s June 4, 2020 Order lifting the moratorium on in-person sales and marketing activities for all jurisdictional electric generation suppliers and natural gas suppliers as it pertains to activities at retail businesses open as a result of the Governor’s directives, and (2) the Commission’s December 3, 2020 Order lifting the moratorium on in-person sales and marketing activities for all suppliers as it pertains to activities at outdoor public events held in accordance with orders and directives issued by the Governor and Secretary of Health.

Conclusion

With this Tentative Order, we invite all interested stakeholders to comment on the further modification or lifting of the Commission’s March 16, 2020 Emergency Order. The Commission intends to modify or lift the Emergency Order in a manner that provides regulatory certainty, while protecting the public health and safety. We ask all stakeholders to keep these objectives in mind as they prepare and submit their comments. We believe that this stakeholder process will ensure that both customer and supplier interests continue to be considered;

Therefore,

It Is Ordered:

1. That the Law Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.
2. That interested stakeholders may file written comments within 30 days of publication of this Tentative Order in the *Pennsylvania Bulletin*. Comments must be

¹⁰ Section 111.14 of the Commission’s regulations, 52 Pa. Code § 111.14, addresses notification regarding marketing or sales activity and states in pertinent part:

(a) When a supplier engages in door-to-door sales and marketing activity, the supplier shall notify the Bureau of Consumer Services no later than the morning of the day that the activity begins. The notification shall include general, nonproprietary information about the activity, the period involved and a general description of the geographical area.

(b) A supplier shall provide the local distribution company with general, nonproprietary information about the door-to-door sales and marketing activity that caused the supplier to provide notice to the Commission in accordance with subsection (a). The supplier shall provide this general information to the distribution company no later than the morning of the day that the sales and marketing activities begin. The distribution company shall use this information only for acquainting its customer service representatives with sales and marketing activity occurring in its service territory so that they may knowledgeably address customer inquiries. Consistent with § 54.122 (relating to code of conduct) for an EDC and § 62.142 (relating to standards of conduct) for an NGDC, a distribution company may not use the information for other purposes.

52 Pa. Code § 114.14(a)-(b).

⁷ On March 29, 2021, the Retail Energy Supply Association (RESA) filed a Petition for Partial Rescission of the Commission’s March 16, 2020 Emergency Order requesting that the Commission rescind the portion of the Emergency Order that prohibits in-person sales and marketing activities with commercial and industrial customers. The Commission will address RESA’s Petition by separate order. We expect stakeholders filing comments in response to this Tentative Order to be cognizant of the Commission’s determination on RESA’s Petition.

⁸ Amended Order for Mitigation, Enforcement, and Immunity Protections, Commonwealth of Pennsylvania, Office of the Governor (March 15, 2021) available at <https://www.governor.pa.gov/wp-content/uploads/2021/04/2021.4.1-TWW-v2-amended-mitigation-enforcement-immunity-order.pdf>.

⁹ Effective April 4, More Options for Restaurants and Other Businesses, Mass Gathering Maximums Increase, Commonwealth of Pennsylvania, Office of the Governor, available at <https://www.governor.pa.gov/newsroom/gov-wolf-effective-april-4-more-options-for-restaurants-and-other-businesses-mass-gathering-maximums-increase/>.

e-filed at this docket number by opening and using an e-filing account through the Commission's website. If comments contain confidential or proprietary information, they should not be e-filed. Comments containing confidential information should be filed consistent with the Commission's March 20, 2020 Emergency Order and July 27, 2020 Secretarial Letter at Docket No. M-2020-3019262.

3. The Commission's Law Bureau, with assistance from the Office of Competitive Market Oversight, shall review any comments received from interested parties and provide a recommendation to the Commission as to the further modification or lifting of the Commission's March 16, 2020 Emergency Order.

4. That this Tentative Order be served on all jurisdictional electric generation suppliers, natural gas suppliers, electric distribution companies, natural gas distribution companies, the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

5. That the Office of Competitive Market Oversight shall electronically send a copy of this Tentative Order to all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

6. That a copy of this Tentative Order shall be posted on the Commission's website at the Office of Competitive Market Oversight webpage.

7. The contact persons for this matter are Daniel Mumford in the Office of Competitive Market Oversight, (717) 525-2084, dmumford@pa.gov; and Christian McDewell, (717) 787-7466, cmcdewell@pa.gov, and Hayley Dunn, (717) 214-9594, haydunn@pa.gov, in the Law Bureau.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 6, 2021

ORDER ENTERED: May 6, 2021

[Pa.B. Doc. No. 21-822. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025831. Verizon Pennsylvania, LLC and Clear Rate Communications, Inc. Joint petition of Verizon Pennsylvania, LLC and Clear Rate Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Clear Rate Communications, Inc., by their counsel, filed on May 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an 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 Clear Rate 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. 21-823. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025832. Verizon Pennsylvania, LLC and PNG Telecommunications, Inc., d/b/a PowerNet Global Communications. Joint petition of Verizon Pennsylvania, LLC and PNG Telecommunications, Inc., d/b/a PowerNet Global Communications for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and PNG Telecommunications, Inc., d/b/a PowerNet Global Communications, by their counsel, filed on May 12, 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 PNG Telecommunications, Inc., d/b/a PowerNet Global Communications 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. 21-824. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025834. Verizon North, LLC and Telecom Management, Inc., d/b/a Pioneer Telephone. Joint petition of Verizon North, LLC and Telecom Management, Inc., d/b/a Pioneer Telephone, for approval of an amended interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

Verizon North, LLC and Telecom Management, Inc., d/b/a Pioneer Telephone, by their counsel, filed on May 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amend-

ment to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Telecom Management, Inc., d/b/a Pioneer Telephone 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. 21-825. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025835. Verizon Pennsylvania, LLC and Telecom Management, Inc., d/b/a Pioneer Telephone. Joint petition of Verizon Pennsylvania, LLC and Telecom Management, Inc., d/b/a Pioneer Telephone for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Telecom Management, Inc., d/b/a Pioneer Telephone, by their counsel, filed on May 12, 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 Telecom Management, Inc., d/b/a Pioneer Telephone 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. 21-826. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025836. Verizon Pennsylvania, LLC and Matrix Telecom, LLC, d/b/a VarTec Telecom. Joint petition of Verizon Pennsylvania, LLC and Matrix

Telecom, LLC, d/b/a VarTec Telecom for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Matrix Telecom, LLC, d/b/a VarTec Telecom, by their counsel, filed on May 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an 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 Matrix Telecom, LLC, d/b/a VarTec Telecom 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. 21-827. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025837. Verizon North, LLC and Clear Rate Communications, Inc. Joint petition of Verizon North, LLC and Clear Rate Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Clear Rate Communications, Inc., by their counsel, filed on May 12, 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 Clear Rate 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. 21-828. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025838. Verizon North, LLC and PNG Telecommunications, Inc., d/b/a PowerNet Global Communications. Joint petition of Verizon North, LLC and PNG Telecommunications, Inc., d/b/a PowerNet Global Communications for approval of an amended interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

Verizon North, LLC and PNG Telecommunications, Inc., d/b/a PowerNet Global Communications, by their counsel, filed on May 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and PNG Telecommunications, Inc., d/b/a PowerNet Global Communications 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. 21-829. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025839. Verizon Pennsylvania, LLC and Matrix Telecom, LLC, d/b/a Excel Telecommunications. Joint petition of Verizon Pennsylvania, LLC and Matrix Telecom, LLC, d/b/a Excel Telecommunications for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Matrix Telecom, LLC, d/b/a Excel Telecommunications, by their counsel, filed on May 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an 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 Matrix Telecom, LLC, d/b/a Excel Telecommunications 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. 21-830. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025840. Verizon North, LLC and Matrix Telecom, LLC, d/b/a VarTec Telecom. Joint petition of Verizon North, LLC and Matrix Telecom, LLC, d/b/a VarTec Telecom for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Matrix Telecom, LLC, d/b/a VarTec Telecom, by their counsel, filed on May 12, 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 Matrix Telecom, LLC, d/b/a VarTec Telecom 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. 21-831. Filed for public inspection May 21, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025842. Verizon Pennsylvania, LLC and Matrix Telecom, LLC, d/b/a Matrix Business Technologies. Joint petition of Verizon Pennsylvania, LLC and Matrix Telecom, LLC, d/b/a Matrix Business Technologies for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Matrix Telecom, LLC, d/b/a Matrix Business Technologies, by their counsel, filed on May 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an 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 electroni-

cally 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 Matrix Telecom, LLC, d/b/a Matrix Business Technologies 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. 21-832. Filed for public inspection May 21, 2021, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Sunny Hill Acres 9 Lohr Road Mifflinburg, PA 17844	Union County/ West Buffalo Township and Buffalo Township	125.86	Broilers	New	Approved
Pleasant View Farms, Inc.— Mowery Farm 121 Appleberry Lane Roaring Springs, PA 16673	Bedford County/ Bloomfield Township	75	Cattle	Existing	Rescind
Kish-View Farm—Home Farm 4733 East Main Street Belleville, PA 17004	Mifflin County/ Union Township	375.06	Cattle	Existing	Amended
Yippee! Farms, LLC—Mount Joy Farm 1103 Iron Bridge Road Mount Joy, PA 17552	Lancaster County/ Rapho Township	442.7	Cattle	Existing	Amended

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 21-833. Filed for public inspection May 21, 2021, 9:00 a.m.]

STATE HORSE RACING COMMISSION

Banning Lasix in 2-year Old Thoroughbred Horses and Graded Thoroughbred Stakes Races; Administrative Policy SHRC 2021-2

The State Horse Racing Commission (Commission), in accordance with 3 Pa.C.S. § 9312(6) (relating to additional powers of commission) of the Race Horse Industry

Reform Act and 7 Pa. Code § 401.4(a) (relating to substances of therapeutic value), is authorized to adopt National standards relating to prohibited substances, uniform drug threshold levels or penalties and to regulate substances of therapeutic value, including the use of Furosemide (Lasix) in race horses.

The Commission recognizes that Lasix is helpful in the management of Exercise Induced Pulmonary Hemorrhage. In overseeing the race-day use of Lasix, the Commission has placed strict regulatory controls on the dose, route and time the medication is administered.

These measures are designed to provide a complete regulation of Lasix and to prevent the misuse of the drug, including, where appropriate, the reasonable restriction on the use of Lasix.

On April 27, 2021, the Commission approved the above policy which provides notice that it intends to follow the National racing standard by expressly banning the use of Lasix in 2-year-old thoroughbred horses racing in thoroughbred racetracks in this Commonwealth and banning the use of Lasix in Graded Stakes Races conducted in this Commonwealth effective June 1, 2021.

The Commission's specific administrative policy has been posted and published on the Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/commission/Pages/Publications.aspx>.

THOMAS F. CHUCKAS, Jr.,
Director

Bureau of Thoroughbred Horse Racing

[Pa.B. Doc. No. 21-834. Filed for public inspection May 21, 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 April 1, 2021, through April 30, 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:

GF Registration Under 18 CFR Part 806, Subpart E:

1. HP Hood LLC—Arkport NY Plant, GF Certificate No. GF-202104162, Village of Arkport, Steuben County, NY; Well 1 and consumptive use; Issue Date: April 12, 2021.
2. Village of Endicott—Public Water Supply System, GF Certificate No. GF-202104163, Village of Endicott, Broome County, NY; Ranney Well, South 28 Well, and South 5 Well; Issue Date: April 14, 2021.
3. East Petersburg Borough—Public Water Supply System, GF Certificate No. GF-202104164, East Petersburg Borough, Lancaster County, PA; Vaughn Rd Well; Issue Date: April 14, 2021.
4. Allan Myers Materials PA, Inc.—Talmage Quarry, GF Certificate No. GF-202104165, Upper Leacock Township, Lancaster County, PA; consumptive use; Issue Date: April 23, 2021.

Dated: May 7, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-835. Filed for public inspection May 21, 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 April 1, 2021, through April 30, 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(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. Chief Oil & Gas, LLC; Pad ID: Martino Drilling Pad # 1; ABR-201604001.R1; Albany Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: April 2, 2021.
2. ARD Operating, LLC; Pad ID: Eugene P. Nelson Pad A; ABR-201103036.R2; Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 2, 2021.
3. Range Resources—Appalachia, LLC; Pad ID: Bobst Mountain Hunting Club # 18H—# 23H Drilling Pad; ABR-201103031.R2; Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: April 2, 2021.
4. Chesapeake Appalachia, LLC; Pad ID: Franclaire; ABR-201012011.R2; Braintrim Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 12, 2021.
5. Chesapeake Appalachia, LLC; Pad ID: Sensinger; ABR-201104002.R2; Franklin Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 12, 2021.
6. EXCO Resources (PA), LLC; Pad ID: Doebler Drilling Pad # 1; ABR-201012033.R2; Penn Township, Lycoming County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: April 12, 2021.
7. Diversified Production, LLC; Pad ID: Whippoorwill; ABR-201102024.R2; Shippen Township, Cameron County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: April 12, 2021.
8. SWN Production Company, LLC; Pad ID: PU-KK Valentine-Soliman Pad; ABR-201103008.R2; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: April 12, 2021.

9. SWN Production Company, LLC; Pad ID: PU-II Ransom Stas Pad; ABR-201103007.R2; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: April 12, 2021.

10. ARD Operating, LLC; Pad ID: COP Tr 728 C; ABR-201104004.R2; Watson Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 12, 2021.

11. ARD Operating, LLC; Pad ID: COP Tr 728 D; ABR-201104001.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 12, 2021.

12. SWN Production Company, LLC; Pad ID: TI-14 Connolly A Pad; ABR-201511006.R2; Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: April 13, 2021.

13. SWN Production Company, LLC; Pad ID: TI-19 Connolly B—Pad; ABR-201511007.R2; Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: April 13, 2021.

14. Seneca Resources Company, LLC; Pad ID: Yourgalite 1119; ABR-201012056.R2; Farmington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 13, 2021.

15. Chesapeake Appalachia, LLC; Pad ID: Fausto; ABR-201101015.R2; Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 15, 2021.

16. BKV Operating, LLC; Pad ID: Baker West (Brothers); ABR-201103049; Forest Lake Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: April 15, 2021.

17. SWN Production Company, LLC; Pad ID: Price Pad; ABR-201104017.R2; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: April 15, 2021.

18. Chief Oil & Gas, LLC; Pad ID: Noble Drilling Pad # 1; ABR-201104015.R1; Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: April 19, 2021.

19. EXCO Resources (PA), LLC; Pad ID: Houseknecht Drilling Pad # 1; ABR-201012014.R2; Davidson Township, Sullivan County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: April 19, 2021.

20. SWN Production Company, LLC; Pad ID: PU-CC Valentine-Price Pad; ABR-201104019.R2; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: April 19, 2021.

21. Cabot Oil & Gas Corporation; Pad ID: LymanJ P1; ABR-201104018.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: April 19, 2021.

22. Chesapeake Appalachia, LLC; Pad ID: Moody; ABR-201104027.R2; Springfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 26, 2021.

23. Chief Oil & Gas, LLC; Pad ID: Taylor Drilling Pad # 1; ABR-201104024.R2; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: April 26, 2021.

24. Chief Oil & Gas, LLC; Pad ID: Polovitch West Drilling Pad # 1; ABR-201104025.R2; Nicholson Township, Wyoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: April 26, 2021.

25. Chesapeake Appalachia, LLC; Pad ID: Stempel; ABR-201104020.R2; Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 26, 2021.

26. XTO Energy, Inc.; Pad ID: Renn Unit A; ABR-201103033.R2; Jordan Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 26, 2021.

27. Chesapeake Appalachia, LLC; Pad ID: Crain; ABR-201104028.R2; Rome Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 27, 2021.

28. Chesapeake Appalachia, LLC; Pad ID: Hulslander; ABR-201104021.R2; Smithfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 27, 2021.

29. Chesapeake Appalachia, LLC; Pad ID: Kingsley; ABR-201104029.R2; Smithfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 27, 2021.

30. Chesapeake Appalachia, LLC; Pad ID: MPC New; ABR-201104030.R2; Cherry Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 27, 2021.

Approvals By Rule—Issued Under 18 CFR 806.22(f)—Revocation:

31. Chief Oil & Gas, LLC; Pad ID: Crandall Drilling Pad # 1; ABR-201202013.R2; Ridgebury Township, Bradford County, PA; Revocation Date: April 1, 2021.

32. ARD Operating, LLC; Pad ID: COP Tr 356 Pad F; ABR-201007124.R1; Cummings Township, Lycoming County, PA; Revocation Date: April 2, 2021.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: May 7, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-836. Filed for public inspection May 21, 2021, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Telephonic Commission Meeting

The Susquehanna River Basin Commission (Commission) will conduct its regular business meeting telephonically on Thursday, June 17, 2021, at 9 a.m. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. The Commission published a document in the *Federal Register* on 86 FR 19318 (April 13, 2021), concerning its public hearing on May 6, 2021, in Harrisburg, PA.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, fax: (717) 238-2436.

Supplementary Information

The business meeting will include actions or presentations on the following items: (1) election of Commission officers for Fiscal Year (FY) 2022; (2) an environmental justice resolution; (3) reconciliation of FY 2022 budget; (4)

ratification of contracts/grants; (5) proposed Water Resources program for 2022—2024; (6) amendments to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; and (7) Regulatory Program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the *Federal Register* after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

Due to the novel coronavirus (COVID-19) orders, the meeting will be conducted telephonically and there will be no physical public attendance. The public is invited to attend the Commission's business meeting. Individuals can access the business meeting through a computer (audio and video) at <https://srbc.webex.com/srbc/j.php?MTID=mfff80216a899be862056c07b1a4dce6b> then

enter meeting number 133 849 0863 and password U8wvzbkk2p5. Individuals may also participate telephonically by dialing (877) 668-4493 and entering the meeting number 133 849 0863 followed by the # sign.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/business-meeting.html. The comments are due to the Commission on or before June 15, 2021. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: May 7, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-837. Filed for public inspection May 21, 2021, 9:00 a.m.]

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Part II

This part contains the
Rules and Regulations and the
Proposed Rulemakings



RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 5]

Proof of Recycling

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), amends Chapter 5 (relating to duties and rights of licensees) and adds § 5.43 (relating to proof of recycling) to read as set forth in Annex A.

A. Effective Date

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

B. Additional Information

Further information may be obtained by contacting Rodrigo Diaz, Chief Counsel, Jason M. Worley, Deputy Chief Counsel; or Norina Foster, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001; rallegal@pa.gov (e-mail is preferred).

C. Statutory Authority

These amendments are published under the statutory authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)).

D. Purpose and Background

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. Summary of Changes

Section 491(5) of the Liquor Code (47 P.S. § 4-491(5)) requires restaurant, hotel and club liquor licensees to break any package that contained liquor (“liquor packages”) within 24 hours after the liquor package has been emptied, with two exceptions: 1) the Board has determined the package to be decorative; or 2) the licensee participates in either a municipal or voluntary recycling program. If a licensee claims to participate in a recycling program, the Pennsylvania State Police, Bureau of Liquor Control Enforcement, which enforces the Liquor Code, may demand that the licensee provide “proof in writing.” *Id.* These amendments establish what constitutes “proof in writing.”

The amendments add § 5.43; subsection (a) is based on the text of section 491(5) of the Liquor Code and is included to provide a frame of reference for the regulation.

Subsection (b) requires a licensee to “deface, prior to recycling, the labels of all packages that are not broken. The labels must be defaced with a permanent marker or some other, similar, permanent defacement. . . .” The reason for this is to prevent the fraudulent reuse of liquor packaging, which is also the reason for requiring a licensee to break any packages that are not being recycled. Packaging that is not broken may be taken by someone, whether at curbside or at a recycling drop off location, who then refills the package and passes it off as genuine. Therefore, to thwart this type of fraud, licensees are required to deface the labels of liquor packaging that is being recycled.

Subsection (c) sets forth the documentation that licensees must keep as “proof in writing” of participation in a recycling program. Paragraph 1 requires a licensee to have, as a threshold element, written proof that the county recycles the type of liquor package, such as glass, that the licensee is recycling. This proof can be a pamphlet or printed pages from the recycling program’s web site or something similar.

Subsection (c), paragraph 2 pertains to licensees that have their recycling picked up at the curb. These licensees must retain a copy of the receipts, bills or invoices paid by the licensee when it pays for a municipal or private entity to pick up its recycling.

Subsection (c), paragraph 3 pertains to licensees that must take their recycling to a drop off location. There may or may not be a person staffing the drop off location; so, in consideration of that fact, the “proof in writing” documentation does not require corroboration from the township or municipality.

In the proposed rulemaking, the Board included, in subsection (c), paragraph 3, a form to record what has been taken to the recycling drop-off location and other details. At the suggestion of the Independent Regulatory Review Commission (IRRC), the Board eliminated this form from this final-form rulemaking. Instead, the information that was captured on the form has been streamlined and provided in list form, directing the licensee to maintain a statement containing the following information:

- Name and address of the licensee;
- Type of liquor packages recycled; and
- Details on each delivery of recycled liquor packages, including the date of delivery, time of delivery, who delivered the liquor packages, what was delivered, and the approximate weight or quantity of the recycled liquor packages.

In addition, this final-form rulemaking requires the statement to be verified by the licensee’s representative that the information provided is true and complete to the best of the representative’s knowledge and belief and that the licensee’s representative understands that the statements made are subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). This statement should be followed by the signature of the licensee’s representative and the date the signature was made.

Subsection (c), paragraph (3) also requires the licensee to keep a choice of two of the following items:

- The name, location and hours of operation of the recycling facility where licensee disposes recyclable liquor packages.
- A copy of the recycling registration or documentation required by a municipality.
- A municipal waste newsletter or circular.
- An e-mail, letter or memorandum from its municipality that explains what may be recycled and where recyclable liquor packages may be dropped off.
- Municipal recycling maps of drop-off locations for recyclable liquor packages.

- A municipal recycling collection schedule or calendar.
- Other printed or online materials provided by a municipality regarding municipal waste management.

The intent behind this requirement is to ensure that the licensee has made the effort to become informed as to how to recycle in the county. Although independent corroboration is preferred, in many rural areas, it is impossible to obtain.

Finally, subsection (d) requires the “proof in writing” to be kept for a period of 2 years, in conformance with section 493(12) of the Liquor Code (47 P.S. § 4-493(12)).

F. Paperwork Requirements

The amendments impose minimal paperwork requirements on those licensees who recycle packages that previously contained alcohol. Since the statute requires “proof in writing,” some paperwork is unavoidable. These amendments are intended to provide guidance as to what constitutes “proof in writing” of participation in a recycling program without creating an unreasonable burden for licensees.

G. Fiscal Impact

This regulatory change is not expected to have any measurable fiscal impact on the regulated community, State government or local governments.

H. Comments to the Proposed Rulemaking

Comments were received from the Pennsylvania Restaurant and Lodging Association, the Honorable John A. Lawrence, as well as IRRC. Responses to the comments have been provided in a separate document.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 21, 2019, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on April 14, 2021, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on April 15, 2021, and approved the final-form rulemaking.

TIM HOLDEN,
Chairperson

(Editor’s Note: See 51 Pa.B. 2468 (May 1, 2021) for IRRC’s approval order.)

Fiscal Note: Fiscal note 54-93 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

Subchapter D. MAINTENANCE OF THE LICENSED PREMISES

§ 5.43. Proof of recycling.

(a) Under section 491(5) of the Liquor Code (47 P.S. § 4-491(5)), restaurant, hotel and club liquor licensees are required to break any package in which liquors were contained (“liquor packages”), except those decanter packages that the Board determines to be decorative, within 24 hours after the contents of the package have been removed, unless the licensee participates in either a municipal recycling program or a voluntary recycling program.

(b) If a licensee participates in a recycling program, the licensee must deface, prior to recycling, the labels of all packages that are not broken. The labels must be defaced with a permanent marker or some other, similar, permanent defacement that will discourage the theft of the bottles for unlawful re-use.

(c) The licensee shall provide proof in writing of participation in such a program upon demand of the Bureau of Liquor Control Enforcement of the Pennsylvania State Police. This subsection establishes what constitutes “proof in writing.”

(1) The licensee must be able to provide written proof that the municipal or voluntary recycling program accepts the kind of liquor packages (such as glass) that the licensee recycles. This written proof may be a pamphlet or printed pages from the recycling program’s web site or something similar.

(2) If the licensee pays for a municipal or private entity to pick up its recycling, the licensee must retain a copy of the receipts, bills or invoices paid by the licensee to the municipal or private entity as “proof in writing.”

(3) If the licensee voluntarily participates in a recycling program by taking recyclable liquor packages to a drop off location, the licensee must maintain, for each calendar year, a statement containing the following information:

(i) Name and address of the licensee.

(ii) Type of liquor packages recycled.

(iii) Details on each delivery of recycled liquor packages, including the date of delivery, time of delivery, who delivered the recycled liquor packages, what was delivered, and the approximate weight or quantity of recycled liquor packages.

(iv) A verification by the licensee’s representative that the information provided is true and complete to the best of the representative’s knowledge and belief and that the licensee’s representative understands that the statements made are subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). This statement should be followed by the signature of the licensee’s representative and the date the signature was made.

(4) In addition to the statement required by subsection (c)(3), a licensee who takes recyclable liquor packages to a drop off location must also keep a copy of at least two of the following records from the municipality with oversight of the drop off location:

(i) The name, location and hours of operation of the recycling facility where licensee disposes recyclable liquor packages.

(ii) A copy of the recycling registration or documentation required by a municipality.

(iii) A municipal waste newsletter or circular.

(iv) An e-mail, letter or memorandum from its municipality that explains what may be recycled and where recyclable liquor packages may be dropped off.

(v) Municipal recycling maps of drop-off locations for recyclable material.

(vi) A municipal recycling collection schedule or calendar.

(vii) Other printed or online materials provided by a municipality regarding municipal waste management.

(d) These records shall be maintained as part of the licensee's operating records required to be kept for 2 years in accordance with section 493(12) of the Liquor Code (47 P.S. § 4-493(12)).

[Pa.B. Doc. No. 21-838. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2021-2022 hunting/furtaking license year.

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1328 (March 13, 2021).

1. Purpose and Authority

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

Sunday hunting dates are similar to those used in 2020-2021. However, expansions of Sunday opportunities were established on Sundays during the archery deer and firearms bear for additional species (except migratory game birds and wild turkey) that overlap with these dates. The expansions of Sunday opportunity are the only changes for small game and furbearer seasons.

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

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

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

2. Regulatory Requirements

This final-form rulemaking amends § 139.4 to provide updated seasons and bag limits for the 2021-2022 hunting/furtaking license year.

3. Persons Affected

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

4. Comment and Response Summary

The Commission received a total of 236 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

Deer Seasons: Out of a total of 196 comments received concerning this subtopic, 5 supported and 50 opposed a Saturday opener for regular firearms deer season, 7 supported hunting on the Sunday in the middle of the regular firearms deer season, 24 supported and 66 opposed concurrent antlered/antlerless seasons, 1 supported and 13 opposed concurrent antlered/antlerless seasons in the northern tier, 11 opposed concurrent antlered/antlerless seasons in specific WMUs, 1 supported and 1 opposed extending the regular firearms deer season, 2 supported extending archery season, 8 opposed the length of deer archery season, 3 supported a longer special firearms deer season, 1 supported extending early muzzleloader deer season and 2 supported extending flintlock muzzleloader season.

Turkey Seasons: Out of a total of 13 comments received concerning this subtopic, 6 supported and 1 opposed shortening fall turkey season, 2 supported the removal of fall turkey season, 1 supported reducing season length in WMU 4C, 1 supported reducing season length in WMU 4D and 2 opposed reducing season length in WMU 2G.

Bear Seasons: Out of a total of 9 comments received concerning this subtopic, 2 supported extending bear season during the entirety of archery deer season, 5 supported bear season running concurrent with regular firearms deer season and 2 supported shortening all bear seasons.

Small Game Seasons: A total of 4 comments received concerning this subtopic, 1 supported closing small game season at the end of January, 1 supported the early squirrel season, and 1 supported and 1 opposed the post-Christmas grouse season.

Furbearer Seasons: A total of 14 comments received concerning this subtopic, 2 supported extending raccoon, opossum and skunk trapping season to the end of March, 4 supported extending trapping season generally, 2 supported extending bobcat season, 2 supported extending fisher trapping season and 4 supported extending raccoon season.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

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

(c) This order shall be effective July 1, 2021, to June 30, 2022.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-465 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

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

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

RULES AND REGULATIONS

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<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and	Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24		
<i>Rabbit, Cottontail</i> ¹ <i>Eligible Junior Hunters only, with or without the required junior license</i>	Oct. 2		Oct. 16	4	12
<i>Rabbit, Cottontail</i> ²	Oct. 16 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	4	12
<i>Ring-necked Pheasant</i> —There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area.					
Central Susquehanna Wild Pheasant Recovery Area— <i>Male only</i> ¹	As authorized by the Executive Order				
<i>Ring-necked Pheasant—Male or Female</i> ¹ <i>Eligible Junior Hunters only, with or without the required junior license</i>	Oct. 9		Oct. 16	2	6
<i>Ring-necked Pheasant—Male or Female</i> ²	Oct. 23 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	2	6
<i>Bobwhite Quail</i> ²	Oct. 23 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	8	24
<i>Hare (Snowshoe Rabbits) or Varying Hare</i> ¹	Dec. 27		Jan. 1, 2022	1	3
<i>Woodchuck (Groundhog)</i> ²	July 1 Sun. ³ , Nov. 14	and	Nov. 13 Sun. ³ , Nov. 14	Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and	Nov. 20 Sun. ³ , Nov. 21 Nov. 26 June 30, 2022		

TURKEY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Turkey, Fall—Male or Female</i> ¹ WMU 2B (Shotgun, Bow and Arrow only) WMU 1A, 1B, 4A, 4B, 4D and 4E WMUs 2A, 2F, 2G, 2H, 3A, 3B, 3C, 3D and 4C WMU 2C, 2D and 2E WMU 5B WMUs 5A, 5C and 5D	Oct. 30 Nov. 24 Oct. 30 Oct. 30 Oct. 30 Nov. 24 Nov. 2	and and	Nov. 19 Nov. 26 Nov. 6 Nov. 13 Nov. 13 Nov. 26 Nov. 4	1	1
Closed to fall turkey hunting					
<i>Turkey, Spring</i> ¹ <i>Bearded Bird only,</i> <i>Eligible Junior Hunters only,</i> with the required junior license	Apr. 23, 2022		Apr. 23, 2022	1	1
<i>Turkey, Spring</i> ^{1,4} <i>Bearded Bird only</i>	April 30, 2022 May 16, 2022	and	May 14, 2022 May 31, 2022	1 May be hunted 1/2 hour before sunrise to 12 noon	2 May be hunted 1/2 hour after sunset

MIGRATORY GAME BIRDS

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

Exceptions:

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

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

FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Squirrel—(Combined species)²</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	6	18
<i>Quail²</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	8	24
<i>Ruffed Grouse²</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	2	6
<i>Cottontail Rabbits³</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	4	12
<i>Snowshoe or Varying Hare²</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	1	3
<i>Ring-necked Pheasant—Male² and Female (Combined)</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21	and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21	2	6

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Nov. 22	and	Nov. 26		
	Dec. 13	and	Mar. 31, 2022		
<i>Migratory Game Bird</i> ¹ —Seasons and bag limits shall be in accordance with Federal regulations.					

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2,5} With the required archery license WMUs 2B, 5C and 5D	Sept. 18 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 27	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Jan. 29, 2022	One antlered deer, and an antlerless deer with each required and antlerless license.
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2,5} With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 2 Sun. ³ , Nov. 14 Nov. 15 Dec. 27	and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 19 Jan. 17, 2022	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only)</i> ¹ With the required muzzleloading license	Oct. 16		Oct. 23	An antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only)</i> Only Junior and Senior License Holders, ⁶ Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 21		Oct. 23	An antlerless deer with each required antlerless license.
<i>Deer, Regular Firearms (Antlered and Antlerless)</i> ^{2,5} Statewide	Nov. 27 Sun. ³ , Nov. 28 Nov. 29	and and	Nov. 27 Sun. ³ , Nov. 28 Dec. 11	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1,5} With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 27		Jan. 17, 2022	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1,5} With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 27		Jan. 29, 2022	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> ¹ WMUs 2B, 5C and 5D	Dec. 27		Jan. 29, 2022	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> ¹ (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.

BLACK BEAR

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
<i>Bear, Archery</i> ^{2,7} WMUs 2B, 5C and 5D	Sept. 18 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22	and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26		1
<i>Bear, Archery</i> ^{2,7} WMU 5B	Oct. 2 Sun. ³ , Nov. 14 Nov. 15	and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 19		1
<i>Bear, Archery</i> ^{1,7} WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 16		Nov. 6		1
<i>Bear, Muzzleloader</i> ^{1,7} (Statewide)	Oct. 16		Oct. 23		1
<i>Bear, Special firearms</i> ⁷ Only Junior and Senior License Holders ⁶ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license (Statewide)	Oct. 21		Oct. 23		1
<i>Bear, Regular Firearms</i> ^{2,7} (Statewide)	Nov. 20 Sun. ³ , Nov. 21 Nov. 22	and and	Nov. 20 Sun. ³ , Nov. 21 Nov. 23		1
<i>Bear, Extended firearms</i> ^{2,7} WMUs 2B, 5B, 5C and 5D	Nov. 27 Sun. ³ , Nov. 28 Nov. 29	and and	Nov. 27 Sun. ³ , Nov. 28 Dec. 11		1
<i>Bear, Extended firearms</i> ^{2,7} WMUs 1B, 2C, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 27 Sun. ³ , Nov. 28 Nov. 29	and and	Nov. 27 Sun. ³ , Nov. 28 Dec. 4		1

ELK

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

FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Mink and Muskrat</i>	Nov. 20		Jan. 9, 2022	Unlimited	

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

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Coyote—(Outside of any big game season)³</i>	May be taken with a hunting license or a furtaker's license.			Unlimited	
<i>Coyote—(During any big game season)</i>	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
<i>Opossum, Striped Skunk, Weasel²</i>	July 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Sun. ³ , Nov. 28 Nov. 29	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 27 Sun. ³ , Nov. 28 June 30, 2022	Unlimited	
<i>Fox³</i>	Oct. 23		Feb. 19, 2022	Unlimited	
<i>Raccoon²</i>	Oct. 23 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Sun. ³ , Nov. 28 Nov. 29	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 27 Sun. ³ , Nov. 28 Feb. 19, 2022	Unlimited	
<i>Bobcat, with required bobcat permit¹</i> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 8, 2022		Feb. 2, 2022	1	1
<i>Porcupine²</i>	Oct. 9 Sun. ³ , Nov. 14	and	Nov. 13 Sun. ³ , Nov. 14	3	10

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
	Nov. 15	and	Nov. 20		
	Sun. ³ , Nov. 21	and	Sun. ³ , Nov. 21		
	Nov. 22	and	Jan. 29, 2022		

No open seasons on other wild birds or wild mammals.

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

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

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

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

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

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

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

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

[Pa.B. Doc. No. 21-839. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 139 and 143]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended §§ 143.203, 143.203a and 143.206 (relating to random drawing elk licenses; special elk conservation license auction; and validity of elk licenses) and added §§ 139.18 and 143.203b (relating to elk management area and hunt zones; and special-license fundraiser elk license) to define the elk management area and elk hunt zones, better delineate and describe the three available elk licenses and, close all elk hunting in any elk hunt zone that does not receive an allocation for a given hunting license year, unless the zone is designated by the Commission as open to all elk license holders.

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1336 (March 13, 2021).

1. Purpose and Authority

The Commission observed that former regulations concerning elk licenses do not adequately describe the three available elk licenses and their authorized uses. Furthermore, the regulations did not define the extent and location of the elk management area or elk hunt zones. The Commission amends §§ 143.203, 143.203a and

143.206 and adds §§ 139.18 and 143.203b to define the elk management area and elk hunt zones, better delineate and describe the three available elk licenses and lastly close all elk hunting in any elk hunt zone that does not receive an allocation for a given hunting license year, unless the zone is designated by the Commission as open to all elk license holders.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to §§ 143.203, 143.203a and 143.206 and addition of §§ 139.18 and 143.203b are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 143.203, 143.203a and 143.206 and adds §§ 139.18 and 143.203b to define the elk management area and elk hunt zones, better delineate and describe the three available elk licenses and close all elk hunting in any elk hunt zone that does not receive an allocation for a given hunting license year, unless the zone is designated by the Commission as open to all elk license holders.

3. Persons Affected

Persons wishing to hunt elk within the Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 139 and 143, are amended by amending §§ 143.203, 143.203a and 143.206 and adding §§ 139.18 and 143.203b to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-69 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

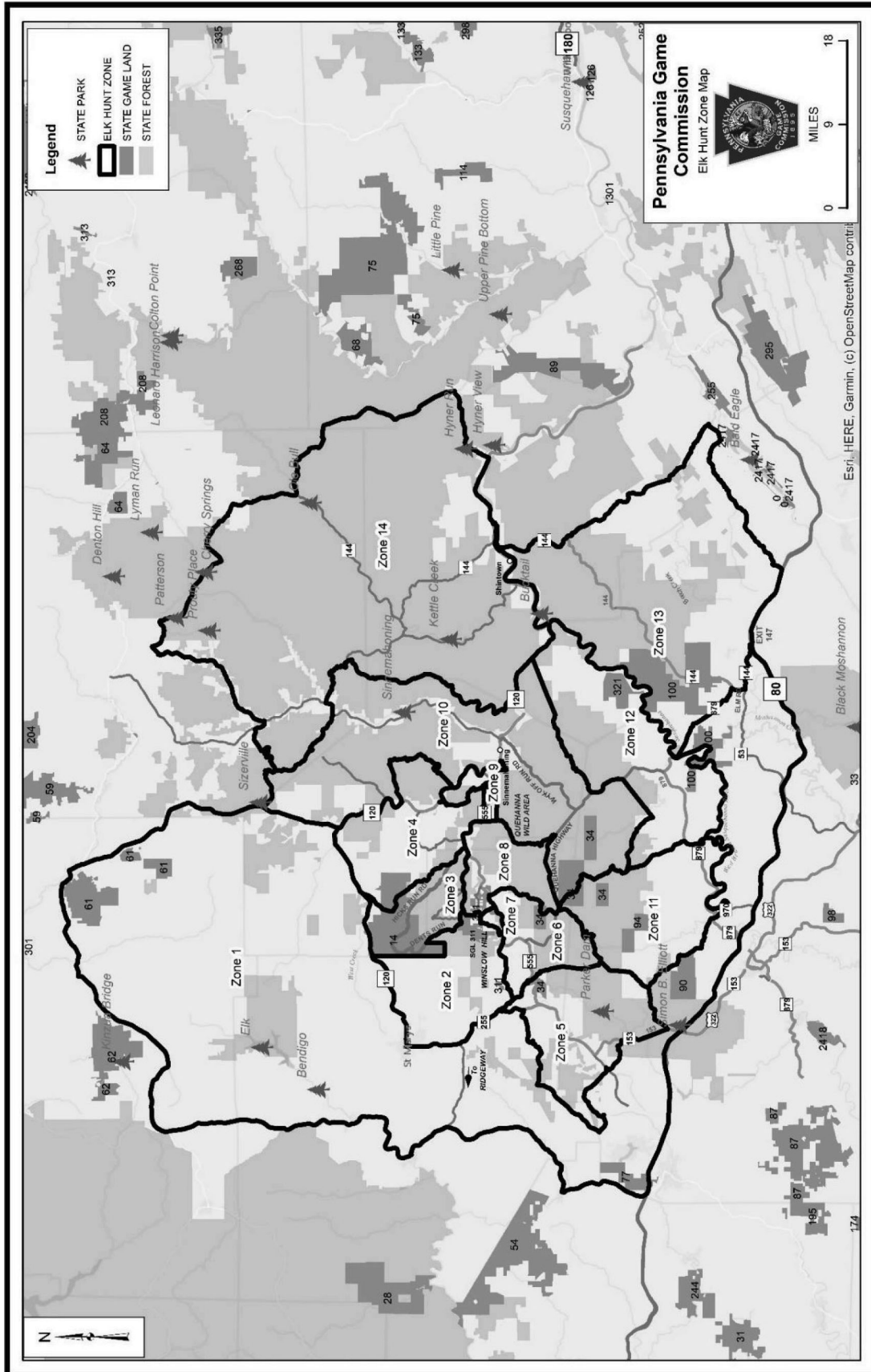
§ 139.18. Elk management area and hunt zones.

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

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

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

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



**CHAPTER 143. HUNTING AND
FURTKAKER LICENSES**

Subchapter K. ELK LICENSES

§ 143.203. Random drawing elk licenses.

(a) The Executive Director will set the date for the random drawing of applications for the issuance of random drawing elk licenses.

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

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

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

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

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

§ 143.203a. Special elk conservation license auction.

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

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

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

§ 143.203b. Special-license fundraiser elk license.

(a) Each year the Commission may contract with an eligible Pennsylvania-based nonprofit organization to conduct an auction or raffle sale of one special-license fundraiser elk license in accordance with section 2706.2(c) of the act (relating to elk hunting licenses).

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

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

§ 143.206. Validity of elk licenses.

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

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

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

[Pa.B. Doc. No. 21-840. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended § 141.45 (relating to turkey seasons) to eliminate the use of rifles during the fall turkey season.

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1338 (March 13, 2021).

1. Purpose and Authority

Manually operated rifles, including both centerfire and rimfire, were formerly listed as permitted devices for use by hunters during the fall turkey seasons in all Wildlife Management Units (WMU) with an open fall turkey season excluding those portions found within the Special Regulations Areas designated in § 141.1 (relating to special regulations areas). Notwithstanding their previous permitted use, the Commission has observed that very few hunters hunt during the fall turkey season with a rifle. The 2020 general turkey hunter survey showed 14% of respondents primarily used rifles to hunt fall turkey, whereas 33% of the Statewide harvest was with a rifle, but this varied by WMU (19% in 1A to 52% in 3A). Most fall turkey hunters (70%) primarily used shotguns (53% of harvest), 9% used crossbows (10% of harvest), 8% used vertical bows (4% of harvest) and a few used muzzleload-

ers or handguns (<1% of harvest). Were it assumed that all rifle hunters in 2020 used a shotgun and had the same efficiency as other shotgun hunters, fall harvest could decrease Statewide by approximately 20%, but that figure would vary by WMU.

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

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

2. *Regulatory Requirements*

This final-form rulemaking amends § 141.45 to eliminate the use of rifles during the fall turkey season.

3. *Persons Affected*

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

4. *Comment and Response Summary*

The Commission received a total of 184 comments concerning this final-form rulemaking. Of this total, 23 supported and 161 opposed the rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.45 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-467 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.45. Turkey seasons.

(a) *Fall turkey season.*

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

(i) (Reserved).

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

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

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

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

* * * * *

[Pa.B. Doc. No. 21-841. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION
GAME COMMISSION
[58 PA. CODE CH. 141]
Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended § 141.4, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2021-2022 hunting/furtaking license year.

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1339 (March 13, 2021).

1. Purpose and Authority

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

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

2. Regulatory Requirements

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

3. Persons Affected

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

4. Comment and Response Summary

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

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.4, Appendix G to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-468 remains valid for the final adoption of the subject regulation.

Annex A
TITLE 58—RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter A. General

§ 141.4. Hunting hours.

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

* * * * *

Appendix G. HUNTING HOURS

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

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 27—July 3	5:07	9:03
July 4—10	5:11	9:01
July 11—17	5:16	8:57
July 18—24	5:22	8:52
July 25—31	5:28	8:45
Aug. 1—7	5:35	8:37
Aug. 8—14	5:42	8:28
Aug. 15—21	5:48	8:18

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Aug. 22—28	5:55	8:08
Aug. 29—Sept. 4	6:02	7:57
Sept. 5—11	6:08	7:45
Sept. 12—18	6:15	7:34
Sept. 19—25	6:21	7:22
Sept. 26—Oct. 2	6:28	7:11
Oct. 3—9	6:35	7:00
Oct. 10—16	6:42	6:49
Oct. 17—23	6:50	6:39
Oct. 24—30	6:58	6:30
Oct. 31—Nov. 6	7:06	6:22
Nov. 7—13 **Ends	6:07	5:21
Nov. 14—20	6:22	5:11
Nov. 21—27	6:29	5:07
Nov. 28—Dec. 4	6:36	5:05
Dec. 5—11	6:42	5:05
Dec. 12—18	6:47	5:08
Dec. 19—25	6:51	5:08
Dec. 26—Jan. 1	6:52	5:14
Jan. 2—8	6:52	5:23
Jan. 9—15	6:50	5:24
Jan. 16—22	6:47	5:31
Jan. 23—29	6:46	5:39
Jan. 30—Feb. 5	6:41	5:48
Feb. 6—12	6:34	5:56
Feb. 13—19	6:26	6:04
Feb. 20—26	6:17	6:12
Feb. 27—March 5	6:07	6:20
March 6—12	5:56	6:28
March 13—19 *Begins	6:45	7:35
March 20—26	6:34	7:43
March 27—Apr. 2	6:23	7:50
April 3—9	6:11	7:57
April 10—16	6:00	8:04
April 17—23	5:50	8:11
April 24—30	5:40	8:24
May 1—7	5:31	8:25
May 8—14	5:23	8:32
May 15—21	5:15	8:39
May 22—28	5:10	8:45
May 29—June 4	5:05	8:51
June 5—11	5:01	8:56
June 12—18	5:02	9:00
June 19—25	5:03	9:02
June 26—July 2	5:06	9:03

*Daylight Saving Time Begins

**Ends

**MIGRATORY GAME BIRD
HUNTING HOURS TABLE
FOR JUNE 27, 2021, THROUGH JULY 2, 2022**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 27—July 3	5:07	8:33
July 4—10	5:11	8:31
July 11—17	5:16	8:27
July 18—24	5:22	8:22
July 25—31	5:28	8:15
Aug. 1—7	5:35	8:07
Aug. 8—14	5:42	7:58
Aug. 15—21	5:48	7:48
Aug. 22—28	5:55	7:38
Aug. 29—Sept. 4	6:02	7:27
Sept. 5—11	6:08	7:15
Sept. 12—18	6:15	7:04
Sept. 19—25	6:21	6:52
Sept. 26—Oct. 2	6:28	6:41
Oct. 3—9	6:35	6:30
Oct. 10—16	6:42	6:19
Oct. 17—23	6:50	6:09
Oct. 24—30	6:58	6:00
Oct. 31—Nov. 6	7:06	5:52
Nov. 7—13 **Ends	6:07	4:51
Nov. 14—20	6:22	4:41
Nov. 21—27	6:29	4:37
Nov. 28—Dec. 4	6:36	4:35
Dec. 5—11	6:42	4:35
Dec. 12—18	6:47	4:38
Dec. 19—25	6:51	4:38
Dec. 26—Jan. 1	6:52	4:44
Jan. 2—8	6:52	4:53
Jan. 9—15	6:50	4:54
Jan. 16—22	6:47	5:01
Jan. 23—29	6:46	5:09
Jan. 30—Feb. 5	6:41	5:18
Feb. 6—12	6:34	5:26
Feb. 13—19	6:26	5:34
Feb. 20—26	6:17	5:42
Feb. 27—March 5	6:07	5:50
March 6—12	5:56	5:58
March 13—19 *Begins	6:45	7:05
March 20—26	6:34	7:13
March 27—April 2	6:23	7:20
April 3—9	6:11	7:27
April 10—16	6:00	7:34
April 17—23	5:50	7:41
April 24—30	5:40	7:54
May 1—7	5:31	7:56

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
May 8—14	5:23	8:02
May 15—21	5:15	8:09
May 22—28	5:10	8:15
May 29—June 4	5:05	8:21
June 5—11	5:01	8:26
June 12—18	5:02	8:30
June 19—25	5:03	8:32
June 26—July 2	5:06	8:33

*Daylight Saving Time Begins

**Ends

[Pa.B. Doc. No. 21-842. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended §§ 143.45 and 143.52 (relating to completing and submitting applications; and procedure for unlimited antlerless licenses) to authorize unlimited over-the-counter sales of antlerless licenses in any open (unexhausted) Wildlife Management Unit (WMU) on the second Monday in September until these quotas are exhausted.

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1341 (March 13, 2021).

1. Purpose and Authority

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

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

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

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

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

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt

regulations for the administration, control and performance of license issuing activities. The amendments to §§ 143.45 and 143.52 are adopted under this authority.

2. *Regulatory Requirements*

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

3. *Persons Affected*

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

4. *Comment and Response Summary*

The Commission received a total of 42 comments concerning the proposed rulemaking. Of this total, 16 supported and 26 opposed this rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.45 and 143.52 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-464 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.45. Completing and submitting applications.

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

* * * * *

§ 143.52. Procedure for unlimited antlerless licenses.

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

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

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

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

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

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

[Pa.B. Doc. No. 21-843. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended §§ 143.1 and 143.11 (relating to definitions; and internet license sales) and added § 143.5a (relating to digital hunting and furtaking

licenses) to define and authorize the use of hunting and furtaking eLicenses and certain electronic permits.

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1343 (March 13, 2021).

1. Purpose and Authority

The Commission has historically issued its various hunting and furtaking license products to customers in physical form only on the familiar durable yellow stock. New features in the PALS (HuntFishPA) system are expected to go live for the 2021-2022 license year and will have the capacity to provide hunters and trappers with digital versions of its license and certain permit products by e-mail and through the PALS system. However, the licensing regulations needed to be amended to authorize and define their use. The Commission amends §§ 143.1 and 143.11 and adds § 143.5a to define and authorize the use of hunting and furtaking eLicenses. This authorization also extends to certain permits also sold through the PALS system, such as mentored permits, bobcat permits, range permits and the like.

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

Carcass harvest tags will continue to be provided to customers in physical form only on the familiar durable stock. No digital versions of these documents will be issued to customers or authorized for use. Customers that elect to purchase license products online will be provided with digital copies of their license products and thereafter mailed physical carcass harvest tags by first class mail. Customers that elect to purchase license products at an agent location will be issued physical carcass harvest tags at the time of purchase and will also have the opportunity to have digital licenses provided to them electronically when a valid e-mail address is provided. There will be no additional fee for customers to retrieve eLicense products from the Commission's PALS system. However, replacement license fees will still apply where replacement carcass harvest tags are requested or where the customer opts for a physical reprint of license products.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendments to §§ 143.1 and 143.11 and addition of § 143.5a are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 143.1 and 143.11 and adds § 143.5a to define and authorize the use of hunting and furtaking eLicenses and certain electronic permits.

3. Persons Affected

Persons wishing to hunt or trap game and wildlife within the Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of 14 comments concerning this final-form rulemaking. Of this total, 12 supported and 2 opposed this rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.1 and 143.11 and adds 143.5a to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-463 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter A. GENERAL

§ 143.1. Definitions.

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

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

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

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

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

§ 143.5a. Digital hunting and furtaking licenses.

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

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

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

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

(4) *Electronic Transaction Act.* The Electronic Transactions Act, (73 P.S. §§ 2260.101—2260.5101), as amended,

shall apply to any automated transaction conducted under this section. It is specifically intended that any license acquired and used in a digital format under the authorizations of this section is deemed to be electronically signed and certified by the holder of the document. Digital license documents issued by the Commission and subsequently reduced to physical form shall be signed and certified by the holder in the same manner as physical printed licenses issued directly by the Commission or any of its agents.

§ 143.11. Internet license sales.

For individuals who have previously acquired and possess a valid hunting license and opt to purchase an archery, muzzleloader, migratory game bird license online, the license holder shall either print the license, sign in the space provided and carry the printed license while afield or, in the alternative, carry a digital copy of the license while afield as authorized by § 143.5a (relating to digital hunting and furtaking licenses).

[Pa.B. Doc. No. 21-844. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended § 147.673 (relating to eligibility and application for DMAP) to make July 1 the deadline for DMAP applications.

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1345 (March 13, 2021).

1. Purpose and Authority

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

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

2. Regulatory Requirements

This final-form rulemaking amends § 147.673 to make July 1 the deadline for DMAP applications.

3. *Persons Affected*

Persons wishing to make application to participate in the DMAP program will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of two comments concerning this final-form rulemaking. Both comments supported this final-form rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.673 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-466 remains valid for the final adoption of the subject regulation.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter R. DEER CONTROL
DEER MANAGEMENT ASSISTANCE PROGRAM
PERMITS

§ 147.673. Eligibility and application for DMAP.

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

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

* * * * *

[Pa.B. Doc. No. 21-845. Filed for public inspection May 21, 2021, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 131 AND 141]

Preliminary Provisions and Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 10, 2021, meeting to amend §§ 131.2 and 141.1 (relating to definitions; and special regulations areas) to define and authorize the use of firearms that utilize straight-walled cartridges within most areas designated as special regulations areas and also reorganize § 141.1 to provide a clearer and more seamless construction within the section itself and with related arms and ammunition provisions.

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

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

This proposed rulemaking was made public at the April 10, 2021, meeting of the Commission. Comments can be sent until July 21, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Section 141.1 currently provides a general restriction prohibiting the use of single-projectile firearms and possession of single-projectile ammunition while hunting game or wildlife within areas designated as special regulations areas. The section thereafter provides a multitude of exceptions for various firearms and their associated ammunition. These firearm and ammunition restrictions are intended to address safety related concerns in the predominantly urban and developed areas of this Commonwealth. This general firearm restriction serves as an effective ban on the use of firearms that utilize straight-walled cartridges. The Commission has determined that these firearms afford no greater risk of safety in the special regulation areas than currently exempted shotguns and muzzleloading firearms. The Commission has also determined that a reorganization of § 141.1 is necessary to address its unwieldy and confusing structure. The Commission is proposing to amend §§ 131.2 and 141.1 to define and authorize the use of firearms that utilize straight-walled cartridges within most areas designated as special regulations areas and also reorganize § 141.1 to provide a clearer and more seamless construction within the section itself and with related arms and ammunition provisions.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to §§ 131.2 and 141.1 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend §§ 131.2 and 141.1 to define and authorize the use of firearms that utilize straight-walled cartridges within most areas designated as special regulations areas and also reorganize § 141.1 to provide a clearer and more seamless construction within the section itself and with related arms and ammunition provisions.

3. Persons Affected

Persons wishing to hunt wildlife within the special regulations areas may be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-471. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Beekeeper's agent—A person who accepts the responsibility of bees, hives and related equipment in the absence of the owner, and who is willing and able to reset disrupted hives, maintain fencing where present and report damage done by bears to the nearest available Commission officer as soon as practical, but, in any event, within 10 days of the damage. The agent shall be domiciled within 300 yards of the beehives.

Bottle-necked cartridge—A cartridge having a main diameter and a distinct angular shoulder stepping down to a smaller diameter at the neck position of the case. This term does not include straight-walled cartridges.

Bow—In addition to the definition in section 102 of the act, a device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source. These limitations may not exclude the mechanical leverage advantage provided

by eccentric wheels or cams so long as the available energy stored in the bent limbs of the bow is the sole result of a single, continuous and direct pulling effort by the shooter. The bowstring shall be drawn, held and released as a direct and conscious action of the shooter. Release shall be accomplished by either relaxing the tension of the fingers or triggering the release action of a manually held release aid.

* * * * *

Special firearms deer season—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

Straight-walled cartridge—A cartridge having straight or slightly tapered walls down to the projectile. This term does not include bottle-necked cartridges.

Sustained yield—As used in section 546(b)(2) of the act (relating to limitation on expenditures for deterrent fencing), continuous and planned forest production through accepted forestry management practices.

Venison—For the purpose of section 2312 of the act (relating to buying and selling game), any meat derived from a white-tailed deer.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

(a) *Name*. The areas shall be known and referred to as special regulations areas.

(b) *Descriptions*.

(1) *Southwest area*. Includes the County of Allegheny.

(2) *Southeast area*. Includes the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.

(c) *Prohibitions*.

(1) [Except as provided in subsection (d), it is unlawful to take, kill or attempt to take or kill wildlife through the use of a firearm of any description which discharges single-projectile ammunition, or, while hunting for wild birds or wild animals, to possess single-projectile ammunition, except for employees of political subdivisions and other persons who have a valid deer control permit issued under the authority of Chapter 29 of the act (relating to special licenses and permits).] **Restricted devices**. Notwithstanding the authorizations of §§ 141.22, 141.43–141.45, 141.47 and 141.67, it is unlawful to:

(A) **Hunt, take, kill or to attempt, aid, abet, assist or conspire to hunt, take or kill any game or wildlife through the use of a firearm that discharges bottle-necked centerfire cartridges or to possess bottle-necked centerfire cartridges or any firearm that is designed to discharge bottle-necked centerfire cartridges while hunting any game or wildlife within any special regulations area.**

(B) **Hunt, take, kill or to attempt, aid, abet, assist or conspire to hunt, take or kill any game or wildlife through the use of a centerfire or muzzleloading firearm or to possess centerfire cartridges or muzzleloading ammunition or any firearm that is designed to discharge centerfire cartridges or muzzleloading ammunition while**

hunting any game or wildlife within the following parts of the southeast special regulations area: Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County.

(2) [It is unlawful to use buckshot in Allegheny or Philadelphia Counties without specific authorization of the Director] **(Reserved)**.

(3) **Restricted feeding**. It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities, or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in the southeast special regulations area for the purpose of feeding white-tailed deer, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause white-tailed deer to congregate or habituate an area. If otherwise lawful feeding is attracting white-tailed deer, the Commission may provide written notice prohibiting this activity.

(d) *Permitted acts*. It is lawful to:

(1) [Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer and bear through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile] **(Reserved)**.

(2) [Take deer with a shotgun 20 gauge or larger—including semiautomatic—using buckshot in the southeast area only] **(Reserved)**.

(3) [Take small game, furbearing animals, crows or wildlife with the following devices:] **(Reserved)**.

(i) [A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less] **(Reserved)**.

(ii) [A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized] **(Reserved)**.

(4) [Kill an animal legally caught in a trap with the following devices:] **(Reserved)**.

(i) [A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less] **(Reserved)**.

(ii) [A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized] **(Reserved)**.

(5) [Harvest more than one deer at a time when multiple harvests of deer per day are authorized without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter] **(Reserved)**.

(6) Hunt or take deer during any deer season through the use of or by taking advantage of bait on private property currently operating under a valid deer control

permit where approval for limited baiting activities has previously been obtained under § 147.552 (relating to application). This limited authorization is valid only to the extent that persons comply with the standards and conditions in § 147.556 (relating to lawful devices and methods).

(7) Hunt or take deer in the southeast special regulations area during regular open hunting seasons for white-tailed deer through the use of or by taking advantage of bait on private, township or municipal property only as set forth in this paragraph.

* * * * *

[Pa.B. Doc. No. 21-846. Filed for public inspection May 21, 2021, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Furbearers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 10, 2021, meeting to amend § 141.62 (relating to beaver and otter trapping) to eliminate the restriction on the number of traps that beaver trappers can set during the 5-day period after the closure of otter trapping seasons.

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

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

This proposed rulemaking was made public at the April 10, 2021, meeting of the Commission. Comments can be sent until July 21, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Beaver and otter trappers are currently limited to using no more than five traps or snares, and no more than two devices may be body-gripping traps, in any Wildlife Management Unit (WMU) during an open otter trapping season. This regulation was originally developed to minimize the chance of a trapper exceeding the season bag limit of one otter in a day. The limitation on the number of beaver traps extends for 5 additional consecutive days after the close of the otter season. The 5-day extension was put in place to allow for an otter trapping season extension if warranted. No otter trapping seasons have been extended since the first season was established during 2015. Longer trapping seasons, rather than year-specific season extensions, will be proposed by the Commission in areas where more otters can be trapped sustainably. The Commission is proposing to amend § 141.62 to eliminate the restriction on the number of traps that beaver trappers can set during the 5-day period after the closure of otter trapping seasons.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and

the season when the devices may be used.” The amendments to § 141.62 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.62 to eliminate the restriction on the number of traps that beaver trappers can set during the 5-day period after the closure of otter trapping seasons.

3. Persons Affected

Persons wishing to trap beavers during the 5-day period after the closure of otter tapping seasons will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-470. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.62. Beaver and otter trapping.

* * * * *

(b) *Unlawful acts.* It is unlawful to:

* * * * *

(4) Set, tend or operate any number of traps or snares for beaver trapping in excess of the limits established by this paragraph.

(i) Beaver trappers are generally limited to a combined Statewide total of 20 traps or snares, no more than 10 of which may be traps. No more than 2 of the 10 traps may be body-gripping traps, except:

(A) In Wildlife Management Units where beaver bag limits are 40 per season, all 10 traps may be body-gripping traps.

(B) In Wildlife Management Units where beaver bag limits are 60 per season, all 20 traps or snares may be body-gripping traps.

(ii) Beaver trappers are limited to using no more than five traps or snares, no more than two of which may be body-gripping traps, in any Wildlife Management Unit with an open otter trapping season. This limitation is inclusive of any other traps or snares set under paragraph (7). This limitation is applicable during periods when the

open beaver trapping season overlaps by calendar date with the open otter trapping season [**and shall extend for 5 additional consecutive days after the close of the otter season**].

* * * * *

[Pa.B. Doc. No. 21-847. Filed for public inspection May 21, 2021, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Mentored Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 10, 2021, meeting to amend § 147.804 (relating to general) to expand species eligibility for the mentored hunting program to include participation in waterfowl, bear and expanded spring (special) turkey seasons.

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

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

This proposed rulemaking was made public at the April 10, 2021, meeting of the Commission. Comments can be sent until July 21, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Since the mentored hunting program's initial inception in 2006, the program has gradually grown and expanded to allow the hunting of many additional species of game and wildlife. With each progressive expansion of species eligibility, the mentored hunting program has come into closer alignment to the Commission's traditional hunting license structures. The Commission is proposing to amend § 147.804 to expand species eligibility for the mentored hunting program to include participation in waterfowl, bear and expanded spring (special) turkey seasons. Existing regulatory structures will authorize mentored youth 7 years of age or older at the time of application and mentored adults to make application for bear licenses and special wild turkey licenses as a direct applicant. Mentored youth under 7 years of age at the time of application will be authorized to receive the harvest tags from bear and special wild turkey licenses by transfer from a mentor in similar fashion to other big game harvest tags.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.804 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 147.804 to expand species eligibility for the mentored hunting pro-

gram to include participation in waterfowl, bear and expanded spring (special) turkey seasons.

3. Persons Affected

Persons wishing to participate in the Mentored Hunting Program may be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-472. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED HUNTING PROGRAM PERMIT

§ 147.804. General.

(a) *License required.* A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored hunting activities.

(b) *Permit required.* A mentored youth or mentored adult shall possess a valid applicable mentored hunting permit prior to engaging in any mentored hunting activities. Purchase of a hunting license by an eligible mentored youth or mentored adult shall automatically invalidate any mentored permit and associated harvest tags held by same.

(c) *Species limitation.* A mentored youth's or mentored adult's hunting eligibility is restricted to the following species: rabbit, hare, ruffed grouse, mourning dove, bobwhite quail, pheasant, crow, squirrel, porcupine, woodchuck, coyote, deer, **waterfowl, bear** and wild turkey.

* * * * *

(k) *Transfer of a spring turkey harvest tag or special wild turkey harvest tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer spring turkey harvest tags **or special wild turkey harvest tags** issued to them to a mentored youth who was under 7 years of age at the time of application. The spring turkey harvest tag **or special wild turkey harvest tag** shall be valid and in the possession of the mentor at all times while hunting spring turkey. The transfer of the spring turkey harvest tag **or special wild turkey harvest tag** may not occur until after the mentored youth has harvested the spring turkey, but before tagging the carcass. A mentored youth may not receive by transfer more than one spring turkey harvest tag **or special wild turkey harvest tag** each

license year. This provision shall not be construed to authorize the transfer of a **spring turkey harvest tag or special wild turkey harvest tag** to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.

(l) *Application for and issuance of big game harvest tags.* Except as provided as follows, mentored youth and mentored adult hunting permits will be issued with an antlered deer, fall turkey and spring turkey harvest tag. No harvest tags will be issued with a mentored youth permit where the applicant is under 7 years of age at the time of application. Mentored youth over 7 years of age at the time of application and mentored adults are additionally eligible to make application for **a bear license, a special wild turkey license, and** one antlerless deer license and as many DMAP harvest permits that are within the eligibility standards and limitations of these programs.

(m) *Application for and issuance of add-on licenses and permits.* Mentored youth and mentored adults are exempt from requirements to obtain archery and muzzleloader add-on licenses or stamps applicable to hunting archery or muzzleloader seasons for any species listed in subsection (c). Unless otherwise exempted by existing program

standards, all mentored youth and mentored adults are required to obtain migratory bird licenses and pheasant permits to participate in hunting during applicable seasons for any associated species listed in subsection (c).

(n) Transfer of a bear harvest tag. Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer bear harvest tags issued to them to a mentored youth who was under 7 years of age at the time of application. The bear harvest tag shall be valid and in the possession of the mentor at all times while hunting bear. The transfer of the bear harvest tag may not occur until after the mentored youth has harvested the bear, but before tagging the carcass. A mentored youth may not receive by transfer more than one bear harvest tag each license year. This provision shall not be construed to authorize the transfer of a bear harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.

[Pa.B. Doc. No. 21-848. Filed for public inspection May 21, 2021, 9:00 a.m.]

