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The Courts

Department of Banking and Securities

Department of Education

Department of Environmental Protection

Department of Health

Department of Labor and Industry

Department of Transportation

Fish and Boat Commission

Game Commission

Independent Regulatory Review Commission

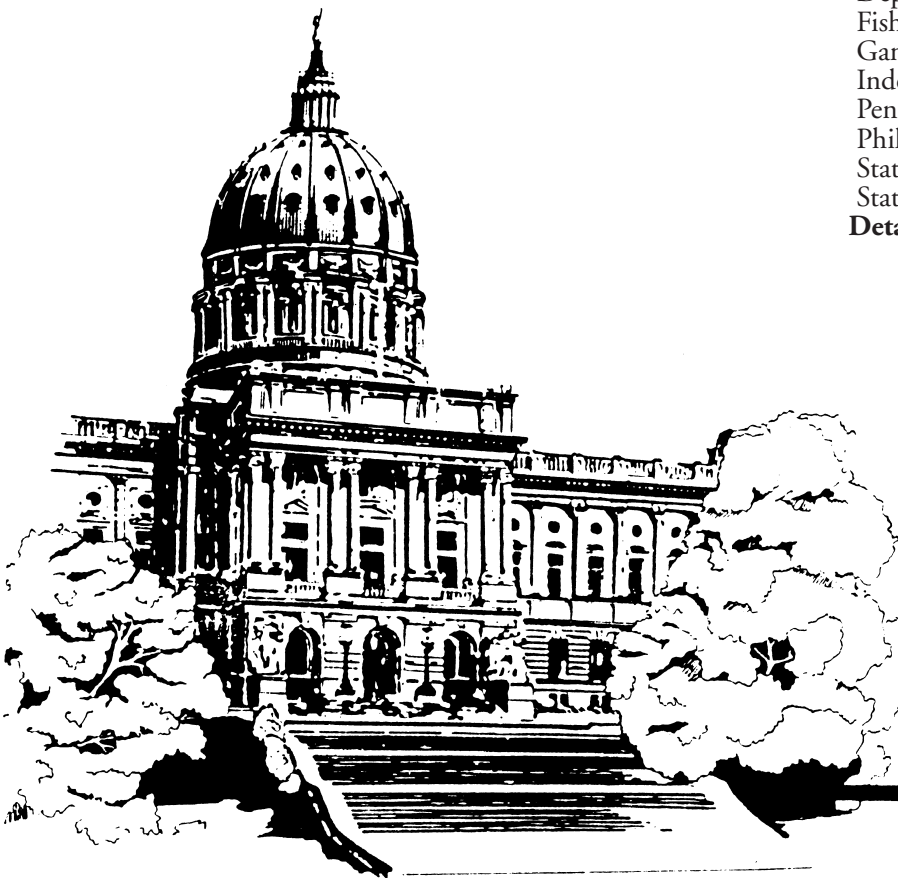
Pennsylvania Public Utility Commission

Philadelphia Parking Authority

State Board of Education

State Board of Nursing

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

No. 559, June 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

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

May 20, 2021

Whereas, on March 6, 2020, I declared a disaster emergency due to the coronavirus disease 2019 (COVID-19) pandemic that is devastating the country, including the Commonwealth of Pennsylvania and its citizens; and

Whereas, the March 6, 2020, Proclamation of Disaster Emergency was set to automatically expire by operation of law on June 4, 2020, unless further extended by my official action; and

Whereas, I renewed the Proclamation of Disaster Emergency dated March 6, 2020, by Amendment to Proclamation of Disaster Emergency (1st Amendment) on June 3, 2020, for an additional ninety days; and

Whereas, the June 3, 2020, Amendment to Proclamation was set to automatically expire by operation of law on September 1, 2020, unless further extended by my official action; and

Whereas, I renewed the Proclamation of Disaster Emergency dated March 6, 2020, by Amendment to Proclamation of Disaster Emergency (2nd Amendment) on August 31, 2020, for an additional ninety days; and

Whereas, the August 31, 2020, Amendment to Proclamation was set to automatically expire by operation of law on November 29, 2020, unless further extended by my official action; and

Whereas, I renewed the Proclamation of Disaster Emergency dated August 31, 2020, by Amendment to Proclamation of Disaster Emergency (3rd Amendment) on November 24, 2020, for an additional ninety days; and

Whereas, the November 24, 2020, Amendment to Proclamation was set to automatically expire by operation of law on February 22, 2021, unless further extended by my official action; and

Whereas, I renewed the Proclamation of Disaster Emergency dated November 24, 2020, by Amendment to Proclamation of Disaster Emergency (4th Amendment) on February 19, 2021, for an additional ninety days; and

Whereas, the February 19, 2021, Amendment to Proclamation is set to automatically expire by operation of law on May 20, 2021, unless further extended by my official action; and

Whereas, as of May 19, 2021, 1,190,102 persons have tested positive or meet the requirements to be considered probable cases for COVID-19 in the Commonwealth in all 67 counties, and 26,317 persons are reported to have died from the virus; and

Whereas, the COVID-19 pandemic 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.

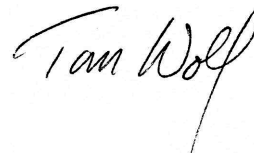
Now Therefore, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), I do hereby order and direct as follows:

1. The Proclamation of Disaster Emergency dated March 6, 2020, renewed by Amendments to Proclamation of Disaster Emergency dated June 3, 2020, August 31, 2020, November 24, 2020, and February 19, 2021, is renewed, and shall continue to apply to the Commonwealth of Pennsylvania.

2. All directives, authorized actions and provisions of the March 6, 2020, Proclamation of Disaster Emergency and June 3, 2020, August 31, 2020, November 24, 2020, and February 19, 2021, Amendments to Proclamation shall remain in full force and effect until either rescinded by me or terminated by law.

3. This Proclamation Amendment (5th Amendment) shall take effect immediately.

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

A handwritten signature in black ink that reads "Tom Wolf". The signature is written in a cursive style with a long, sweeping tail on the letter "f".

Governor

[Pa.B. Doc. No. 21-882. Filed for public inspection June 4, 2021, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

Amendments to the Superior Court Operating Procedures

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

These changes were approved on May 24, 2021, effective immediately.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 65. OPERATING PROCEDURES OF THE SUPERIOR COURT

DECISIONAL PROCEDURES

§ 65.44. Confidentiality Issues.

The names of the parties in a caption for an appeal from a divorce, equitable distribution, custody, visitation or child support decision shall include the full names of the parties **if listed as such in the caption of the trial court's docket**. The Court, however, **in a custody action upon application of a party and for cause shown**, in its discretion[,] may order that the names of the parties listed in the caption be initialized if the Court determines that a child may be identified from the full names of the parties in the caption, **pursuant to Pa.R.A.P. 904(b)(2)**. This rule applies only to the names in the caption and does not apply to the text of a circulation or order of the Court. In such documents, the name of the child shall be initialized or the document shall refer to the child as "Child."

[Pa.B. Doc. No. 21-883. Filed for public inspection June 4, 2021, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 4]

Order Amending Rule 407 of the Pennsylvania Rules of Juvenile Court Procedure; No. 870 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 26th day of May, 2021, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 47 Pa.B. 7011 (November 18, 2017):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 407 of the Pennsylvania Rules of Juvenile Court Procedure is amended in the following form.

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 4. ADJUDICATORY HEARING

Rule 407. Admissions.

A. *Admissions*. At any time after a petition is filed, the juvenile may tender an admission to some or all of the delinquent acts charged.

1) *Requirements*.

a) Before the court can accept an admission, the court shall determine that the admission is knowingly, intelligently, and voluntarily made.

b) As a part of this determination, the court shall ensure:

i) an attorney has reviewed and completed the admission colloquy with the juvenile pursuant to paragraph (C); and

ii) there is a factual basis for the admission.

c) At the hearing, the court shall conduct an independent inquiry with the juvenile to determine:

i) whether the juvenile understands the nature of the allegations to which he or she is admitting and understands what it means to admit;

ii) whether the juvenile understands that he or she has the right to a hearing before the judge and understands what occurs at a hearing;

iii) whether the juvenile is aware of the dispositions that could be imposed and the consequences of an adjudication of delinquency that can result from an admission;

iv) whether the juvenile has any questions about the admission; and

v) whether there are any other concerns apparent to the court after such inquiry that should be answered.

2) *Agreements*. If the parties agree upon the terms of an admission, the tender shall be presented to the court.

3) *Court Action*. If the court accepts the tender, the court shall enter an order incorporating any agreement. If the court does not accept the tender, the case shall proceed as if no tender had been made.

4) *Limitations on Withdrawals*. An admission may be withdrawn prior to the court entering the dispositional order. After the court has entered the dispositional order, an admission can be withdrawn only upon a demonstration of manifest injustice.

B. *Incriminating Statements*. An incriminating statement made by a juvenile in the discussions or conferences incident to an admission that is not ultimately accepted by the court or otherwise permitted to be withdrawn by the court shall not be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act, 42 Pa.C.S. § 6301 et seq.

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

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

ADMISSION COLLOQUY FORM

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

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

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

General Information:

- 1) What is your full name? _____
- 2) Do you have any other name or nickname? _____
 If yes, state: _____
- 3) How old are you today? _____
- 4) What grade are you in? _____
- 5) Can you read, write, and understand English? _____
 (if yes, go to #6)

a) If you cannot read, has someone read this form to you? _____

If so, who? _____ (print name)

 (signature of reader verifies that the form has been read to the juvenile)

b) If you do not read English, have you been given a translator or a lawyer who speaks your language? _____

c) Did your translator or lawyer read this form to you and explain it? _____

If so, who? _____ (print name)

 (signature of reader verifies that the form has been read to the juvenile)

Knowing and Voluntary Admission:

- 6) Are you now a patient in a mental hospital? _____
 a) If yes, where? _____
 b) Are you being treated for a mental illness? _____
 c) If yes, what are you being treated for? _____
- 7) Have you taken any drugs or alcohol yesterday or today that do not make you think clearly? _____
 If yes, specify type of drugs and/or alcohol: _____
- 8) Has anyone threatened or forced you to sign this form? _____
 If yes, explain: _____

9) Have you been promised anything for this admission?
 If yes, explain: _____

Understanding the Admission:

10) Has your lawyer told you what you did was against the law? _____

11) By admitting what you did, do you understand that you are giving up:

a) the right to be presumed innocent, which means the judge does not think you broke the law until the D.A. (District Attorney) proves beyond a reasonable doubt that you broke the law (a reasonable doubt is a belief that it is very possible you did not break the law); _____

b) the right to a hearing by a fair judge; _____

c) the right to remain silent and your silence cannot be held against you; _____

d) the right to tell the judge your side of the story; _____

e) the right to ask witnesses questions; _____

f) the right to present witnesses or evidence to help tell your side of the story, but you do not have to do anything; _____

g) the right to tell the judge you disagree with something; _____

h) the right to ask the judge to decide if he or she should hear certain things; and _____

i) the right to have a higher court review this judge's decision. _____

12) Do you understand if the judge accepts your admission and believes you need help (finds you delinquent), the judge may make you get help? _____

Possible Consequences of Adjudication of Delinquency:

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

14) Are you aware that if you are admitting to _____ that your driving license will be suspended now or in the future (which means you will not be able to drive)?
 (lawyer shall write acts on this line, cross off, or write n/a).

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

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

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

Admission Agreements:

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

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

Appeals:

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

[a) You did not understand this admission or you were forced to admit; _____

b) The court was not the proper court to take your admission; or _____

c) The judge's disposition or consequence is more than the biggest punishment an adult would get for the same crime. _____]

a) whether your admission was voluntary (you made your own decision to admit to a charge. No one forced you to do this. You understood what you were doing, including the consequences.);

b) whether the court was the correct court to hear your case (the court had the authority over your case); or

c) whether the court abused its responsibility or made any mistakes in the things that were ordered as your consequences.

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

Lawyer's Representation and Opportunity to Speak with Guardian

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

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

I promise that I have read the whole form or someone has read the form to me. I understand it. I am telling the truth. I am saying that I have done the things on page 1. I believe that this admission is best for me. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, have reviewed this form with my client. My client has told me and I believe that he or she understands this form.

LAWYER FOR JUVENILE

DATE

D. Admission to an Act of Sexual Violence. If a juvenile is making an admission to an act of sexual violence, see 42 Pa.C.S. § 6358, which may render the juvenile eligible for civil commitment for involuntary treatment upon attaining 20 years of age and subject to SORNA requirements, then the admission colloquy form set forth in paragraph (C) shall be amended to include substantially the following form:

ADDENDUM TO ADMISSION COLLOQUY FORM

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

ELIGIBILITY FOR CIVIL COMMITMENT FOR INVOLUNTARY TREATMENT

Civil Commitment Cases

I did at least one of the crimes (in the box below); AND

If the judge says that I am a delinquent; AND

If I am in placement when I turn age 20,

I can go to a different placement against my will.

See 42 Pa.C.S. § 6401 et seq.

Check all that are true:

<input type="checkbox"/> Rape, 18 Pa.C.S. § 3121	<input type="checkbox"/> Sexual Assault, 18 Pa.C.S. § 3124.1
<input type="checkbox"/> Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123	<input type="checkbox"/> Indecent Assault, 18 Pa.C.S. § 3126
<input type="checkbox"/> Aggravated Indecent Assault, 18 Pa.C.S. § 3125	<input type="checkbox"/> Incest, 18 Pa.C.S. § 4302

1) If I am in placement when I am age 20, SOAB (State Sexual Offenders Assessment Board) will look at information about me to see if I have mental problems that make it hard for me to stop doing sexual crimes. _____ initials

See 42 Pa.C.S. § 6358.

2) If SOAB thinks that I need treatment, the judge will have a hearing. _____ initials

See 42 Pa.C.S. § 6358.

3) If the judge agrees I need treatment, I will have a second hearing. _____ initials

See 42 Pa.C.S. § 6358.

4) At the hearing, the judge will decide if I have mental problems that make it likely that I will do sexual crimes again. If the judge says yes [,]:

a) I will go to a different placement for at least one year. _____ initials

See 42 Pa.C.S. §§ 6403 & 6404.

b) I will be required to register as a sex offender under the Sex Offender Registration and Notification Act. _____ initials

See 42 Pa.C.S. § 9799.13(9)

c) If and when I am released from this different placement, I must register with the state police and report to them every 90 days for at least 25 years. It is a crime not to register and report to the state police. Information about me and my crime will also be available for everyone to see on the internet. _____ initials

See 42 Pa.C.S. §§ 9799.15(a)(5), (a.2) & 9799.15(b)(1)(iii); 18 Pa.C.S. § 4951.1.

d) If I am released from this different placement and continue to register and report to the state

police and I do not commit any more serious crimes for at least 25 years, I can ask the judge whether I can stop registering and reporting to the state police. _____ initials

See 42 Pa.C.S. § 9799.15(a.2).

5) The judge will look at my case each year. I will stay in that placement for as long as the judge decides that I have mental problems that make it likely that I will do sexual crimes again. _____ initials

See 42 Pa.C.S. § 6404.

6) If the judge says I can leave placement, I must continue to get treatment when told for my mental problems. The judge will look at my case after one year. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

7) If the judge says I can stop getting treatment after one year, I still must talk to a counselor every month. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

8) If I do not obey these rules or the counselor says I cannot stop my bad actions, I will be sent back to placement. _____ initials

See 42 Pa.C.S. § 6404.2.

Lawyer's Representation and Opportunity to Speak with Guardian

9) Did you talk with your lawyer before you decided to tell the judge you did the crimes (delinquent acts)

Yes No

10) Are you okay with what your lawyer did for you?

Yes No

11) Did your lawyer answer all your questions?

Yes No

12) Did you talk with your parent or guardian about saying you did the crimes? Yes No

If you answered no, would you like to talk with them now? Yes No

I have read this form or someone has read this form to me.

I understand the form and what I have to do. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, have reviewed this form with my client. My client has informed me and I believe that he or she understands the rights, consequences, and dispositions outlined in this form. I have completed the foregoing sections with my client. I have explained them. I have no issues with my client admitting to the delinquent acts.

LAWYER FOR JUVENILE

DATE

Comment

Under paragraph (A)(1), the court is to determine if the admission is knowingly, intelligently, and voluntarily made by asking questions to ascertain the juvenile's ability to comprehend the written colloquy and to make an admission.

The written colloquy serves as an aid for the court in making its determination that the admission is knowingly, intelligently, and voluntarily made and it does not supplant the court's responsibility to conduct a sufficient inquiry to support its determination pursuant to paragraph (A)(1).

Nothing in this rule prohibits the judge from reviewing the entire written colloquy with the juvenile on the record or asking more questions than required under paragraph (A)(1)(c).

The admission colloquy is similar to a guilty plea colloquy in criminal court; however, the juvenile court judge has special responsibilities under the Juvenile Act in providing a balanced attention to the protection of the community, the imposition of accountability for delinquent acts committed, and the development of competencies to enable juveniles to become responsible and productive members of the community. *See 42 Pa.C.S. § 6301.*

If the court finds an admission is not knowingly, intelligently, and voluntarily made, the case is to proceed to a hearing pursuant to Rule 406. The decision whether an admission is knowingly, intelligently, and voluntarily made is not appealable to another common pleas judge; therefore, the admission may not be presented to another judge once this determination has been made.

Under paragraph (A)(3), if the disposition agreed upon by the parties is unavailable or the court does not agree with the terms of the tender, the case is to proceed as if no tender had been made.

The court is not to accept a plea of *nolo contendere*. *See In re B.P.Y.*, 712 A.2d 769 (Pa. Super. 1998).

If the court does not accept an agreement or finds an admission not to be knowingly, intelligently, and voluntarily made, a motion for recusal of the judge may be appropriate for the adjudicatory hearing.

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

Pursuant to paragraph (D), the written admission colloquy in paragraph (C) is to be amended when the juvenile is admitting to an act that would render the juvenile eligible for court-ordered involuntary treatment upon attaining 20 years of age **and SORNA registration and reporting requirements**. *See 42 Pa.C.S. §§ 6358, 6403, 9799.13(9), and 9799.15(a)(5).* The court is to conduct a colloquy as to the potential consequences of an admission of this type using the form in paragraph (D).

The colloquy forms use several age-appropriate terms for the juvenile to understand; however, certain legal terms are contained in the form. It is expected that attorneys will explain these forms until their clients understand.

The forms used for admissions are to be substantially in the forms found at paragraphs (C)(4) and (D). The questions set forth are the minimal standard. A judicial district may choose to add requirements to these admis-

sion colloquies. Any addition to the required colloquies is considered a local rule and the procedures of Rule 121 **and Rule of Judicial Administration 103(d)** are to be followed if a judicial district chooses to make additions. See [**Rule 121**] **Pa.R.J.C.P. 121; Pa.R.J.A. No. 103(d)**.

The admission colloquies can be downloaded from the Supreme Court's webpage at [<http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/>] <http://www.pacourts.us/forms/juvenile-delinquency-forms>. The forms are also available in Spanish.

The Pennsylvania Juvenile Collateral Consequences checklist is also available on the Supreme Court's webpage.

Nothing in this rule precludes the court from entering a consent decree after the acceptance of an admission.

Official Note: Rule 407 adopted April 1, 2005, effective October 1, 2005. Amended January 18, 2012, effective April 1, 2012. Amended January 23, 2017, effective April 3, 2017. **Amended May 26, 2021, effective October 1, 2021.**

Committee Explanatory Reports:

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

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

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 47 Pa.B. **820** (February 11, 2017).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 51 Pa.B. 3090 (June 5, 2021).

FINAL REPORT¹

Amendment of Pa.R.J.C.P. 407

On May 26, 2021, the Supreme Court amended Rule of Juvenile Court Procedure 407 to add a provision concerning requirements pursuant to the Sex Offender Registration and Notification Act (SORNA), 42 Pa.C.S. §§ 9799.10—9799.42 for a sexually violent delinquent child (SVDC) committed for involuntary treatment. The Committee further recommends revision of the colloquy to make language concerning appellate rights after an admission consistent with Rule 512(C).

Effective April 1, 2017, the Court amended Rule 407 to simplify language in the admission colloquy and to add a separate colloquy when a juvenile is making an admission to an act of sexual violence. See 42 Pa.C.S. § 6358; see also 47 Pa.B. 820 (February 11, 2017). Regarding the latter colloquy, it advised the juvenile of the possibility of civil commitment after termination of juvenile court supervision when the juvenile turns 21 years of age. The same judicial finding that would trigger the civil commitment would also result in the juvenile being subject to lifelong SORNA registration. See 42 Pa.C.S. § 9799.13(9) (applicability of SORNA to SVDC) and § 9799.15(a)(5) (lifelong registration requirement).

The Juvenile Court Procedural Rules Committee subsequently received a request to amend Rule 407(D) to add a provision regarding the SORNA registration requirement

under these circumstances. The Committee published a proposal to amend Rule 407 to revise the "Addendum to Admission Colloquy Form" to add a new Question 4(b) concerning the SORNA registration requirement, the frequency of reporting, the term of this obligation, and the public availability of registration information. The phrasing contained in the question was intended to reflect a seventh grade reading level. See 47 Pa.B. 7011 (November 18, 2017).

Additionally, for consistency purposes, the Committee proposed replacing the language of Question 20 in the Admission Colloquy Form in Rule 407(C) with the language contained in Question 9 of the Post Dispositional Rights Colloquy in Rule 512(C). The provisions in both forms discuss a juvenile's appellate rights after an admission; the Committee did not believe the description of the rights should vary because the rights themselves do not vary.

On February 21, 2018, the General Assembly passed Act 10 of 2018, which divided SORNA into two subchapters. Subchapter H is based on the original SORNA statute and is applicable to offenders who committed their offenses after the December 20, 2012 effective date of SORNA, 42 Pa.C.S. § 9799.11(c); Subchapter I is applicable to offenders who committed their offenses prior to the effective date of SORNA, 42 Pa.C.S. § 9799.52. Subchapter I does not provide for the SORNA registration of SVDCs and does not apply to those who were adjudicated delinquent for sexual offenses as juveniles. However, a determination of SVDC status for those who committed their offenses after the effective date of SORNA does result in an SVDC being placed on the SORNA registry under Subchapter H, and SVDCs are subject to the same registration and notification requirements as sexually violent predators (SORNA Subchapter H requirements), see 42 Pa.C.S. §§ 9799.15, 9799.16, 9799.26, 9799.27, as well as lifetime monthly counseling, see 42 Pa.C.S. § 6404.2(g). The General Assembly later passed Act 29 of 2018, which replaced Act 10, but made no relevant changes to Subchapter H regarding the statutory scheme applicable to SVDCs.

To reflect the consequences of Subchapter H, the Committee recommended post-publication revision of Pa.R.J.C.P. 407(D) to state:

D. Admission to an Act of Sexual Violence. If a juvenile is making an admission to an act of sexual violence, see 42 Pa.C.S. § 6358, which may render the juvenile eligible for civil commitment for involuntary treatment upon attaining 20 years of age **and subject to SORNA requirements**, then the admission colloquy form set forth in paragraph (C) shall be amended to include substantially the following form:

The added language would qualify the use of the form for offenses subject to Subchapter H, which contains the SORNA requirements. Consequently, the previously proposed Question 4(b) within the proposed "Addendum to Admission Colloquy" form in Pa.R.J.C.P. 407(D) was revised to include only the consequence of SORNA registration. Where an offense is not subject to Subchapter H due to the date of the offense, the colloquy requirement pursuant to Pa.R.J.C.P. 407(D) would not apply.

Another significant change resulting from Act 10 with regard to SVDCs under Subchapter H was the addition of a provision allowing SVDCs, and other lifetime registrants, to petition for removal from the registry after 25 years. See 42 Pa.C.S. § 9799.15(a.2). To reflect this change, the Committee recommended the post-publication

¹ The Committee's Final Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

addition of Questions 4(c)-(d) to the proposed “Addendum to Admission Colloquy” form. The content of Question 4(c) is partially derived from the previously proposed Question (4)(b). These changes are intended to further inform a juvenile of the consequences of an admission and ability to seek removal from the registry.

This amendment to Pa.R.J.C.P. 407 will become effective October 1, 2021.

[Pa.B. Doc. No. 21-884. Filed for public inspection June 4, 2021, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 11, 13, 14, 15 AND 16]

Proposed Amendment of Pa.R.J.C.P. 1120, 1149, 1330, 1409, 1512, 1514, 1515 and 1608—1611

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608—1611 to update statutory citations for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by July 15, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court
 Procedural Rules Committee*

JUDGE JOY REYNOLDS McCOY,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

* * * * *

Comment

* * * * *

The definition of “family finding” is derived from [62 P.S. § 1302] 67 Pa.C.S. § 3102.

* * * * *

See also [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. and 42 U.S.C. § 675 (Fostering Connections) to comply with state and federal regulations.

* * * * *

Official Note: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. Amended July 28, 2014, effective September 29, 2014. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended April 6, 2017, effective September 1, 2017. **Amended** , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 51 Pa.B. 3095 (June 5, 2021).

PART B(1). EDUCATION AND HEALTH OF CHILD

Rule 1149. Family Finding.

A. Court’s inquiry and determination.

1) The court shall inquire as to the efforts made by the county agency to comply with the family finding requirements pursuant to [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq.

* * * * *

Comment

* * * * *

See [62 P.S. § 1301] 67 Pa.C.S. § 3101 for legislative intent regarding family finding and promotion of kinship care.

Family finding is required for every child when a child is accepted for services by the county agency. See [62 P.S. § 1302] 67 Pa.C.S. § 3103. It is best practice to find as many kin as possible for each child. These kin may help with care or support for the child. The county agency should ask the guardian, the child, and siblings about relatives or other adults in their life, including key supporters of the child or guardians.

* * * * *

Official Note: Rule 1149 adopted July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the provisions to Rule 1149 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1149 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART C. PETITION

Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.

* * * * *

Comment

* * * * *

If a petition is filed after the county agency has discontinued family finding for non-court cases, the county agency is to aver reasons for the discontinuance in the petition. *See* [62 P.S. § 1302.2(a)] 67 Pa.C.S. § 3104(a).

* * * * *

Official Note: Rule 1330 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1330 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1330 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

CHAPTER 14. ADJUDICATORY HEARING

Rule 1409. Adjudication of Dependency and Court Order.

* * * * *

Comment

* * * * *

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1242(E)(3) and 1609(D) and Comments to Rules 1242, 1408, 1512, 1514, 1515, 1608, 1609, 1610, and 1611.

Official Note: Rule 1409 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1409 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1409 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

* * * * *

Comment

* * * * *

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1514, 1515, 1608, 1609, 1610, and 1611.

* * * * *

Official Note: Rule 1512 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1512 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1514. Dispositional Finding Before Removal from Home.

* * * * *

Comment

* * * * *

Pursuant to paragraph (A)(4), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1515, 1608, 1609, 1610, and 1611.

Official Note: Rule 1514 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1514 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1514 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1515. Dispositional Order.

* * * * *
Comment
* * * * *

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1608, 1609, 1610, and 1611. 45 C.F.R. § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participa-

* * * * *

Official Note: Rule 1515 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1515 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1515 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

* * * * *
Comment
* * * * *

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1609, and 1611.

* * * * *

Official Note: Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended June 14, 2016, effective August 1, 2016. Amended April 6, 2017, effective September 1, 2017. Amended May 17, 2018, effective October 1, 2018. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1608 published with the Court's Order at 48 Pa.B. 3321 (June 2, 2018).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1609. Permanency Hearing Orders.

* * * * *
Comment
* * * * *

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), and 1409(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1610, and 1611.

* * * * *

Official Note: Rule 1609 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective 2021.

Committee Explanatory Reports:

* * * * *

Final Report explaining the amendments to Rule 1609 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1609 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1610. Permanency Hearing for Children over Eighteen.

* * * * *
Comment
* * * * *

Pursuant to paragraph (D), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1611.

* * * * *

Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

* * * * *

Final Report explaining the amendments to Rule 1610 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 1610 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1611. Permanency Hearing Orders for Children over Eighteen.

* * * * *
Comment
 * * * * *

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1210(D)(8), 1242(E)(3), and 1409(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1610.

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Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1611 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1611 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

REPORT

Proposed Amendment of Pa.R.J.C.P. 1120, 1149, 1330, 1409, 1512, 1514, 1515, & 1608—1611

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608—1611 to reflect the amendment of Title 67 of the *Pennsylvania Consolidated Statutes* to, *inter alia*, add Chapter 31 governing, in part, the family finding requirements resulting from the Act of June 29, 2019, P.L. 93, No. 14. See 67 Pa.C.S. §§ 3101—3104.

Prior to 2018, matters involving family finding, kinship care, and subsidization of custody were govern by unconsolidated statutes compiled at 62 P.S. §§ 1301—1303.2. The statutory requirements for family finding were implemented and primarily codified in Pa.R.J.C.P. 1149 with corollary references throughout the Pennsylvania Rules of Juvenile Court Procedure. Those rules also contained citations to Title 62 of *Purdon's Statutes*.

In *Washington v. Department of Public Welfare*, 188 A.3d 1135 (Pa. 2018), the Court held that the manner in which the Act of June 30, 2012, P.L. 668, No. 80 was passed by the General Assembly violated Article III, Section 4 of the Pennsylvania Constitution. Accordingly, the Court struck Act 80 in its entirety as unconstitu-

tional. Act 80 included provisions related to kinship care and custody subsidies. See 62 P.S. §§ 1302, 1303, 1303.1, and 1303.2.

Thereafter, the General Assembly passed the Act of June 29, 2019, P.L. 93, No. 14, which added the substance of 62 P.S. §§ 1301—1303.2 to 67 Pa.C.S. §§ 3101—3104, retroactive to the date of the Court's decision in *Washington, supra*. This rulemaking proposal is intended to update the statutory citations within the rules to correspond with those now located in Title 67 of the *Pennsylvania Consolidated Statutes*. No substantive amendment of the rules is intended.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 21-885. Filed for public inspection June 4, 2021, 9:00 a.m.]

SUPREME COURT

Order Designating Special 2021 Court Holiday Commemorating Juneteenth; No. 551 Judicial Administration Doc.

Order

Per Curiam

And Now, this 20th day of May, 2021,

Whereas Juneteenth is a date of great historical and cultural significance, marking the date in 1865 when news of the signing of the Emancipation Proclamation two years earlier by President Abraham Lincoln reached Galveston, Texas, the furthest point in the South, with the arrival of Union soldiers; and

Whereas commemoration of Juneteenth celebrates that event, and further serves as an occasion to promote the advancement of unity, equality and justice for all Pennsylvanians; and

Whereas on June 19, 2019, the Governor of Pennsylvania signed legislation designating June 19 as “Juneteenth National Freedom Day,” and recognizing it as an annual observance in Pennsylvania; and

Whereas the Governor has designated June 18, 2021 as a special holiday for employees in agencies under the Governor's jurisdiction;

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that June 18, 2021 is hereby designated as a special holiday for state-level employees of the Unified Judicial System; and

It Is Further Ordered that all courts of the Unified Judicial System shall be closed other than for essential functions or other proceedings as may be deemed necessary in the discretion of President Judges.

This *Order* shall be effective immediately.

[Pa.B. Doc. No. 21-886. Filed for public inspection June 4, 2021, 9:00 a.m.]

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 65]

Unemployment Compensation; Employee Provisions

The Department of Labor and Industry (Department), Office of Unemployment Compensation Benefits Policy, amends §§ 65.11, 65.43 and 65.154 (relating to active search for work; claims for compensation—when to file; and payments), to read as set forth in Annex A.

Statutory Authority

These final-form amendments are promulgated under section 201(a) of the Pennsylvania Unemployment Compensation Law (UC Law) (43 P.S. § 761(a)) which authorizes the Department to promulgate and amend rules and regulations necessary to administer the UC Law.

Background

The Department is currently undergoing a significant upgrade to its information technology system for administration of the Unemployment Compensation (UC) program. The Pennsylvania UC Claims System is replacing the 40-plus year-old legacy system (legacy) currently used to administer UC benefits and appeals. Legacy is comprised of multiple systems and logins used to perform day-to-day job functions. This mainframe technology has now become outdated. As a result, it is more expensive and less efficient to use. Further, the legacy technology has not kept up with the needs of the Commonwealth. In contrast, the Pennsylvania UC Claims System is a single, integrated benefits system that requires fewer logins and will enhance customer service, improve business processes, and increase system integrity and reliability while meeting business needs, and complying with Federal and State law.

Purpose

The purpose of this final-form rulemaking is to amend the Department's existing UC regulations in §§ 65.11, 65.43 and 65.154. These amendments will allow for the implementation of the Pennsylvania UC Claims System and will align the regulations with Federal law, State law and current practice.

Comments

The notice of proposed rulemaking was published at 50 Pa.B. 3108 (June 27, 2020). No public comments were received. The Department received comments from the Independent Regulatory Review Commission (IRRC). The Senate Labor and Industry Committee and the House Labor Relations Committee (Committees) did not comment. The Department's responses to IRRC's comments are as follows.

§ 65.43. Claims for compensation—when to file

Comment: This section requires a claimant to file in the Pennsylvania Unemployment Compensation Claims System “for compensation for a week no later than the last day of the second week after the end of the week claimed.” The Department states throughout the Regulatory Analysis Form (RAF) and the Preamble to the proposed regulation that claimants will have the option to file for compensation weekly or biweekly. However, the Department states in Regulatory Analysis Form (RAF)

Question # 10 and the Preamble to the proposed regulation that it is deleting “the language mandating and providing for biweekly filing.” (Emphasis added.) In addition, the RAF includes screenshots of the UC Claims System, which appears to only provide for weekly claims. Is it the Department's intent to allow claimants to file biweekly in the UC Claims System? We ask the Department to clarify in the final-form regulation statements regarding frequency of filings.

Response: The Department has reviewed this comment and is not making a change from the proposed regulation for the following reasons. The new Pennsylvania UC Claims System will allow claimants to file 1 or 2 weeks at a time by opening said weeks for online filing. To address this system change, the Department is amending § 65.43 by deleting the entirety of this section, which requires biweekly claims filing. Currently, claimants file their claims for compensation on a biweekly schedule, that is, 2 weeks at a time. The amendments in this section delete the language mandating and providing for biweekly filing. Additionally, the Department has added the language: “A claimant shall file a claim for compensation for a week no later than the last day of the second week after the end of the week claimed.” The addition of this language, and deletion of the current biweekly filing requirement, will allow claimants to file claims for compensation on a weekly basis, while still authorizing claimants to file on a biweekly basis if they so choose. Specifically, the Pennsylvania UC Claims System will require claimants to submit information chronologically, and therefore, a claimant must file for the earliest week first. However, should the claimant wish to do so, a second week of benefits may also be filed for. Any weeks “later than the last day of the second week after the end of the week claimed” will be considered untimely and will therefore not be available to the claimant for filing. This amendment gives claimants greater flexibility and reflects modern practice throughout the country, aligning this Commonwealth with practices in most other states.

Comment: [Section 65.43] will become effective upon publication of a separate notice in the *Pennsylvania Bulletin* “announcing the date of implementation” of the UC Claims System and “specify[ing] the applicability of the amendments,” anticipated to be October 2020. We have a concern regarding the implementation of this regulation. A delay between publication of the final-form regulation and the implementation notice may cause confusion among claimants regarding frequency of filings and compensation. We ask the Department to consider coordinating publication of the final-form regulation and the notice announcing the implementation of the UC Claims System in the same issue of the *Pennsylvania Bulletin* to ensure claimants efficiently transition to the new system.

Response: The Department has revised the effective date so that § 65.43 will become effective upon the date of publication in the *Pennsylvania Bulletin*, which will occur on the date of implementation of the Pennsylvania UC Claims System for UC benefits. The Department intends to schedule publication in the *Pennsylvania Bulletin* consistent with the go-live date of the new UC Claims System. The notice in the *Pennsylvania Bulletin* shall specify the applicability of the amendments to § 65.43.

Regulatory Analysis Form—economic or fiscal impacts

Comment: In response to RAF Question # 23, the Department describes anticipated savings to the Commonwealth as a result of implementing the UC Claims System. However, the Department does not include an estimate of these savings. We ask the Department to provide in the RAF submitted with the final-form regulation an estimate of potential savings or explain why it is not possible to do so.

Response: See answer to RAF Question # 23.

Summary of Final Form Rulemaking§ 65.11. *Active search for work*

The Department amends § 65.11(f)(4) to reflect current practices relative to work search requirements. Currently, this section requires a claimant whose labor market is located outside of this Commonwealth to register with the employment service center that serves the claimant's labor market and with the Pennsylvania CareerLink® System. After § 65.11(f)(4) was promulgated, the United States Department of Labor advised the Commonwealth that requiring claimants whose labor markets are located outside of this Commonwealth to register with the Pennsylvania CareerLink® system conflicted with section 104(a)(9)(A) of the Federal Unemployment Tax Act (FUTA) (26 U.S.C.A. § 3304(a)(9)(A)) and 20 CFR Part 604.3(b) (relating to able and available requirement—general principles) of the Regulations for Eligibility for Unemployment Compensation (Federal Regulations). Section 104(a)(9)(A) of FUTA requires State law to ensure that “compensation shall not be denied or reduced to an individual solely because he files a claim in another State. . . or because he resides in another State. . . at the time he files a claim for unemployment compensation.” 20 CFR Part 604.3(b) establishes that a state must limit its implementation of the able and available requirement (of which work registration is a part) to a “geographical scope.” On August 25, 2018, the Secretary of the Department (Secretary) published a notice in the *Pennsylvania Bulletin* waiving the requirement in subsection (f)(4) to register with the Pennsylvania CareerLink® System. The amendment to subsection (f)(4), removing this requirement, is to reflect the waiver already approved by the Secretary. These claimants are still required to register for employment search services with the employment service that serves the claimants labor market.

§ 65.43. *Claims for compensation—when to file*

The Department amends § 65.43 by deleting the entirety of this section, which requires biweekly claims filing. Currently, claimants file their claims for compensation on a biweekly schedule, that is, 2 weeks at a time. The Pennsylvania UC Claims System will allow claimants the option to file claims for compensation on a weekly basis or on a biweekly basis. Accordingly, the Department adds the language: “A claimant shall file a claim for compensation for a week no later than the last day of the second week after the end of the week claimed.” The addition of this language allows claimants to file claims for compensation on a weekly basis, while still authorizing claimants to file on a biweekly basis if they so choose. If only 1 week of compensation is available to the claimant, either because they are not eligible for previous weeks or because they already filed for previous weeks, claimants will only be able to file for 1 week. The Pennsylvania UC Claims System will present questions pertaining to each available week in 1 week increments. If claimants are eligible for only 1 week of benefits, the system will ask them to provide information for only that

1 week of benefits. The Pennsylvania UC Claims System will ask claimants about wages earned that week, whether they searched for work that week, and if they were able and available to work that week.

The amendment, deleting the language mandating for biweekly filing, is necessary to reflect this new practice. Specifically, with the implementation of the new Pennsylvania UC Claims System, the Commonwealth will allow claimants to file claims depending on their preference and the number of weeks for which they are eligible. This amendment gives claimants greater flexibility and reflects modern practice throughout the country, aligning this Commonwealth with practices in most other states.

§ 65.154. *Payments*

Under § 65.154, the number of dependent allowances a claimant may receive is limited to the maximum number of weeks for which the claimant may receive full UC benefits. This section reflects that rule but is outdated and thus, is amended. The amendments in this section are necessary to reflect the current maximum number of weeks of benefits allowable under the UC Law for both regular UC benefits and extended UC benefits. Currently, sections 404(c) and 405-A of the UC Law (43 P.S. §§ 804(c) and 815) allow for a maximum of 26 weeks of regular UC benefits, and a maximum of 13 weeks of extended UC benefits. The amendments in this section delete the outdated references to both 30 weeks of regular UC benefits and 9 weeks of extended UC benefits, and state that the number of payments is equal to “the number of weeks that the claimant is entitled to benefits” under sections 404(e)(3) and 405-A of the UC Law.

Affected Persons

This final-form rulemaking will affect all claimants who file for UC benefits under the UC Law.

Fiscal Impact

As discussed previously, these final-form regulations are needed to implement the Pennsylvania UC Claims System. This new system replaces the outdated legacy system currently used to administer UC benefits and provides faster service for claimants and employers. Claimants may choose to receive communications from the UC system electronically, which will allow the Commonwealth to save on postage and mailing materials.

Currently, UC applicants can apply for benefits by phone or through the online legacy system. Of all applicants, 95.46% provide an e-mail address, indicating that they are willing and able to receive communications by means of e-mail. Additionally, 91.81% of UC applicants have applied for benefits using the online legacy system, while only 8.19% have called to file for benefits using the phone. This indicates that most claimants already prefer to use an electronic system for filing benefits.

Despite the previous, the Department has taken a conservative approach to approximating potential cost savings. The Department's estimates assume that 20% of claimants will opt to receive UC decisions and determinations by mailed communications, and that 80% will choose electronic communications of their determinations and decisions. By saving on postage through an increased use of the electronic system by claimants, the Department projects savings totaling \$4,794,328 in Fiscal Year 2020-2021.

There are no calculatable costs or savings for the regulated community or local government.

Reporting, Recordkeeping and Paperwork Requirements

This final-form rulemaking will not require the creation of new forms or reporting requirements.

Sunset Date

A sunset date is not appropriate for this final-form rulemaking. However, the Department will continue to monitor its effectiveness.

Contact Person

The contact person for this regulation is Becky Keen, Office of UC Benefits Policy, Department of Labor and Industry, 6th Floor, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17120, (717) 787-6021, rekeen@pa.gov.

Effective Date

This final-form rulemaking will become effective upon the date of publication in the Pennsylvania Bulletin, which will occur at the date of implementation of the Pennsylvania UC Claims System for UC benefits. The Department intends to schedule publication in the Pennsylvania Bulletin consistent with the go-live date of the new Pennsylvania UC Claims System. The notice in the Pennsylvania Bulletin shall specify the applicability of the amendments to § 65.43.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 16, 2020, the Department submitted a copy of the notice of proposed rulemaking, published at 50 Pa.B. 3108 to IRRC and the Chairpersons of the Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department is required to submit to IRRC and the Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the Committees, and the public.

Under section 5.1a(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on May 19, 2021, this final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 20, 2021, and approved this final-form regulation.

Findings

The Department finds that:

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

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Department, 34 Pa. Code Chapter 65, are amended by amending § 65.11, 65.43 and 65.154 to read as set forth in Annex A.

(b) The Department shall submit this regulation to the Office of General Counsel and the Office of Attorney General for review and approval as to form and legality, as required by law.

(c) The Department shall submit this regulation to IRRC and the Committees as required by law.

(d) The Acting Secretary of the Department shall certify this regulation and deposit it with the Legislative Reference Bureau as required by law.

(e) This order shall become effective effect upon publication in the Pennsylvania Bulletin.

JENNIFER BERRIER, Acting Secretary

(Editor's Note: See 51 Pa.B. 3210 (June 5, 2021) for IRRC's approval order.)

Fiscal Note: Fiscal Note 12-111 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART II. BUREAU OF EMPLOYMENT SECURITY

Subpart A. UNEMPLOYMENT COMPENSATION

CHAPTER 65. EMPLOYEE PROVISIONS

Subchapter B. PREREQUISITES FOR ELIGIBILITY

ACTIVE SEARCH FOR WORK

§ 65.11. Active search for work.

* * * * *

(f) Alternative requirements and waiver.

* * * * *

(4) For purposes of subsection (c), if a claimant's labor market is located outside of this Commonwealth the claimant shall register for employment search services with the employment service that serves the claimant's labor market.

* * * * *

Subchapter C. APPLICATION PROCEDURE

APPLICATION FOR BENEFITS AND CLAIMS FOR COMPENSATION

§ 65.43. Claims for compensation—when to file.

A claimant shall file a claim for compensation for a week no later than the last day of the second week after the end of the week claimed.

Subchapter H. ALLOWANCES FOR DEPENDENTS

§ 65.154. Payments.

Dependent's allowance shall be paid for valid claim weeks whether full or partial weekly benefit amount is payable. The number of payments shall be limited to the number of weeks that the claimant is entitled to benefits under sections 404(e)(3) and 405A of the law (43 P.S. §§ 804(e)(3) and 815), respectively.

[Pa.B. Doc. No. 21-887. Filed for public inspection June 4, 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; Correction**

The final-form rulemaking published at 51 Pa.B. 2937 (May 22, 2021) contained a typographical error in the fiscal note. The correct version of the fiscal note is as follows.

Fiscal Note: Fiscal Note 48-469 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-888. Filed for public inspection June 4, 2021, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 4]

Academic Standards and Assessment

The State Board of Education (Board) proposes to amend Chapter 4 (relating to academic standards and assessment) by amending §§ 4.3, 4.4, 4.12, 4.21, 4.22, 4.23, 4.24, 4.31, 4.32, 4.33, 4.34, 4.35, 4.51, 4.51a, 4.51b, 4.51c, 4.51d and 4.52 and adding Appendix B-1 to read as set forth in Annex A. The Board is acting under the authority of sections 2603-B and 2604-B of the Public School Code of 1949 (24 P.S. §§ 26-2603-B and 26-2604-B).

Purpose

Chapter 4 sets forth requirements for State academic standards, assessments and high school graduation for public schools across this Commonwealth, including school districts, area career and technical schools (ACTS), charter schools and cyber charter schools. This proposed rulemaking seeks to update the academic standards in Science and Technology and Environment and Ecology, as set forth in the current Appendix B, and to establish a time frame for implementation of updated standards presented in Appendix B-1. Finally, this proposed rulemaking also seeks to make technical amendments unrelated to science standards to align other provisions of the chapter with changes to the Public School Code of 1949 enacted under the act of June 21, 2017 (P.L. 200, No. 6) (Act 6 of 2017), the act of October 24, 2018 (P.L. 1146, No. 158) (Act 158 of 2018), the act of June 28, 2019 (P.L. 117, No. 16) (Act 16 of 2019) and the act of October 30, 2019 (P.L. 460, No. 76) (Act 76 of 2019).

Background

Businesses and industries involved in Science, Technology, Engineering and Mathematics (STEM) are growing in this Commonwealth, driving a demand for skilled and well-educated workers, who are prepared to be successful in the 21st century economy. Data from the United States Bureau of Labor Statistics shows that STEM-related occupations have remained resilient during the economic crisis ignited by the novel coronavirus (COVID-19) pandemic. Employment projections from the United States Bureau of Labor Statistics further show that STEM occupations are projected to grow by 8% through 2029, with an annual mean salary of \$89,000. This is nearly parallel to the Pennsylvania Workforce Needs Assessment 2016—2026 that shows STEM jobs are predicted to grow at a rate of approximately 9% through 2026, and that there are more than 13,000 unfilled computer science and software development jobs. Scholars in this Commonwealth need to be equipped with the knowledge, skills and experiences that prepare them to enter into and be successful in the workforce.

To best prepare students for the STEM economy and the 21st century workforce, the Department of Education's (Department) work is guided by a vision for equity, innovation and openness. The Department strives to establish a culture for learning across this Commonwealth, that ensures every student can be included in high quality science education. Pennsylvania's Integrated Standards for Science, Environment, Ecology, Technology and Engineering (K—5), Pennsylvania's Integrated Standards for Science, Environment and Ecology (6—12), and

Pennsylvania's Technology and Engineering Standards (6—12) were established on the following foundational principles:

- Every student is capable of science, engineering, technological and environmental literacy.
- Science, engineering, technology, environment and ecology should be explored through an integrated and active learning process.
- Iteration and reflection are a critical component of the learning process.
- Success depends upon the partnerships between educators, students, families, postsecondary providers and institutions, legislators, businesses and industries.

The process for reviewing and revising the State's current Science and Technology and Environment and Ecology standards, which were adopted in 2002, was guided by the Department's vision for learning and grounded in these core principles.

The Board, in September 2019, directed the Department to begin the process of updating this Commonwealth's current Academic Standards for Science and Technology and Academic Standards for Environment and Ecology. Since their adoption in 2002, cognitive science has improved the understanding of how students learn and revealed the requirement for students to have a deeper knowledge of a complex and rapidly changing world. This Commonwealth's science standards must reflect this growing body of research so every student has a rigorous, responsive and just vision for science learning, equipping them with the skills to be successful in career and citizenry.

To begin the review process, the Department, in collaboration with the American Institutes for Research, held 14 stakeholder engagement sessions across this Commonwealth from February 2020 through March 2020 to gather feedback on updating Pennsylvania's academic standards for science. The stakeholder sessions were held both in person and virtually. Of the more than 951 members of the public who provided input at these sessions, most were elementary and secondary educators, school administrators, postsecondary educators, student teachers, business and industry representatives, representatives of community not-for-profit organizations, parents and students.

In addition to the stakeholder sessions, the Department released a survey and collected data from additional surveys by organizations like the Pennsylvania Science Teachers Association. Stakeholder feedback was captured in a report, "Science and Technology & Environment and Ecology Standards: A National Landscape Scan and Pennsylvania Stakeholder Feedback," that summarized the current research and best practices regarding science, environment, ecology, technology and engineering standards. That report was presented to the Board at a public meeting in May 2020 and, at the same time, was made available to members of the public.

In April 2020, the Department solicited applications from interested members of the public to serve on committees to review and revise the State's science standards. Applicants were nominated to serve on committees through a multireviewer process on the basis of their depth and breadth of expertise in curriculum and standards development, understanding of the existing stan-

dards and current research, equity and access in education and meeting needs of diverse learners, and overall education experience. Recommendations for individuals to serve on the committees were considered by the Board at a public meeting and the Board approved nominees to serve on the Committees in May 2020.

In June 2020 and July 2020, the committees met to review the stakeholder input as well as research-based frameworks and guidelines—such as the National Research Council’s (NRC) *A Framework for K–12 Science Education: Practices, Crosscutting Concepts, and Core Ideas* (2012), the North American Association for Environmental Education’s (NAAEE) *K–12 Environmental Education: Guidelines for Excellence* (2019), the Ecological Society of America’s (ESA) *Four-Dimensional Ecology Education (4DEE) framework* (2018), the International Technology and Engineering Educators Association’s (ITEEA) *Standards for Technological and Engineering Literacy (STEL)* (2020), the International Society for Technology in Education’s (ISTE) *Standards for Students* (2019), the National Council for Agricultural Education (NCAE) *Agriculture Food and Natural Resources (AFNR) Career Cluster Content Standards* (2015), and other National and international frameworks. Committee members also reviewed relevant information from Pennsylvania-specific documents, such as this Commonwealth’s existing academic standards for Science and Technology and academic standards for Environment and Ecology, to inform the development of recommended revised standards. Committee members collaborated to identify key content within those research-informed frameworks and other key National and international standards in science, environment, ecology, technology, engineering and agriculture. They sought to identify cross-content connections while adding sustainability, Pennsylvania Career Ready Skills and other Pennsylvania-specific contexts.

Over 9 full-day convenings, committee members discussed the essential elements of academic standards. Attention to equity and access surfaced as foundational in the development of the standards recommendations. Equity in the context of the standards can be defined as a foundation of knowledge and skills critical for and accessible to all students, as well as “a characteristic of the instructional environment that increases the capacity for everyone to participate in meaningful learning” as described by Windschitl, Thompson, and Braaten in their 2018 publication “Ambitious Science Teaching.” This begins with standards that are crafted to allow for the individual and personalized experiences, knowledge and skills students bring with them to the classroom.

Following recommendations from current research to ensure equitable opportunities exist for all students, committee conversations and research indicating how students learn best, committee members worked over a series of 30 additional meetings to draft recommendations for revised State science standards. Interspersed throughout the drafting process, a series of focus groups engaged students, educators, and business and industry representatives to garner additional input and feedback on the committees’ work. Special care was made to ensure representatives of small business, along with students and educators from diverse backgrounds, were included in the focus groups. An invitation to provide input was extended to representatives of small businesses to satisfy a standard established in the Regulatory Review Act (71 P.S. §§ 745.1–745.12) that requires agencies to solicit ideas and comments from small businesses and to examine the impact of a proposal on these businesses. The outgrowth of these efforts resulted in a set of recom-

mended standards drafted with an attention to the committees’ commitment to equity and inclusivity to open doors to STEM fields for all students. Therefore, these socially mediated practices embedded in the standards provide an equitable on-ramp for all students as they transition their developing and experience-based notions of the scientific world to conceptions that are scientifically based.

The committee’s recommendations for updated standards—reflected in the Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K–5), Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6–12), and the Pennsylvania Technology and Engineering Standards (Grades 6–12)—were developed in parallel to ensure consistency and coherence. The organization and presentation of the standards are similar to create a cohesive K–12 integrated approach to science education in this Commonwealth.

These recommendations for updated science standards were considered and adopted by the Board at a virtual public meeting in September 2020. Drafts of the proposed standards were posted to the Board’s web site in advance of the meeting so that members of the public could access the content that was the subject of the Board’s deliberations.

In addition to the substantive effort to update the State’s academic standards for science, the Board identified a need to review Chapter 4 for consistency with recent changes enacted to the Public School Code of 1949. This review identified four acts of the General Assembly—Act 6 of 2017, Act 158 of 2018, Act 16 of 2019 and Act 76 of 2019—that either added new sections or amended existing sections of the Public School Code of 1949 that address existing subject matter in Chapter 4. To address inconsistencies between the Public School Code of 1949 and Chapter 4 resulting from these Acts, the Board undertook an effort to integrate a comprehensive set of technical amendments into this proposed rulemaking to conform Chapter 4 with changes to statute and to create consistency for affected parties.

Technical amendments are being presented at the same time the Board considers substantive amendments to science standards to create efficiency in the rulemaking process. In considering these technical amendments in September 2020 at the same time it approved proposed updates to science standards, the Board sought to maintain transparency and accessibility for members of the public by posting language of draft technical amendments to Chapter 4 on its web site in advance of the meeting.

Technical amendments address provisions governing high school graduation requirements, Keystone Exams, compulsory school age and terminology updates. The Board identified a need to amend requirements related to Keystone Exams and high school graduation requirements to conform to changes enacted by Act 6 of 2017 that scaled back the number of Keystone Exams to be developed and established a new pathway to satisfy graduation requirements for eligible students pursuing career and technical education.

The Board further identified a need to amend requirements established in Chapter 4 related to Keystone Exams and high school graduation requirements to conform to changes enacted by Act 158 of 2018. Act 158 of 2018 put in place broad changes to graduation requirements that were not in concert with the existing provisions of Chapter 4, including creating additional path-

ways to satisfy state graduation requirements, extending the effective date for the use of Keystone Exams as part of graduation determinations, modifying requirements for administering and participating in both supplemental instruction and project-based assessment, establishing new parameters for issuing waivers to students who do not meet state graduation requirements and establishing new reporting requirements related to how students graduate. The breadth of amendments enacted under Act 158 of 2018 necessitates updates to Chapter 4 to ensure that students, parents, educators and school administrators have a clear understanding of the State's expectations for high school graduation and that these affected parties are not accessing information in Chapter 4 that is in conflict with statute.

In Act 76 of 2019, the General Assembly adopted comprehensive terminology updates to the Public School Code of 1949 to replace the term "vocational-technical education" with "career and technical education" and to replace the term "area vocational-technical school" with "area career and technical school." The Board identified a need to update the same terminology used throughout Chapter 4 to be parallel with terminology now used in statute.

Finally, Act 16 of 2019 enacted changes to the Public School Code of 1949 that included reducing the compulsory school age from age 8 to age 6. A review of Act 16 of 2019 identified a need to update an existing provision of Chapter 4 pertaining to primary education to reflect the lowering of the compulsory school age.

Need for the rule

Academic standards define what students should know and be able to do at specific grade levels. They establish goals for student learning. Academic standards do not represent a particular curriculum or instructional methodology. Rather, they provide a foundation for the development of local curriculum and serve as guideposts to which local curriculum should be aligned.

As it pertains to the State's academic standards for science, this proposed rulemaking is necessary for three reasons.

First, it is essential to set forth the academic standards that will serve as the substantive underpinning for high-quality instruction and assessment in this Commonwealth. Therefore, the Board is proposing the Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K—5), Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6—12), and the Pennsylvania Technology and Engineering Standards (Grades 6—12) as set forth in Appendix B-1.

Second, this proposed rulemaking is necessary for this Commonwealth to remain academically and economically competitive with other American public education systems and economies, including those in neighboring states. As of the 2020-2021 school year, this Commonwealth's current Science and Technology and Environment and Ecology Standards were 18 years old. Since 2013, science standards have been updated in 44 states across the country according to data compiled by the American Institutes for Research. The proposed amendments to Pennsylvania's standards are designed to provide every student in this Commonwealth with the knowledge and skills to be successful in the 21st century global economy.

Third, it is critical that the standards are inclusionary of and accessible for all students and educators in this Commonwealth. The proposed standards have been de-

signed to integrate the knowledge and skills core to the science, technology, engineering, environment and ecology disciplines while making explicit connections with Math, Language Arts, and the Pennsylvania Career Ready Skills framework. The proposed standards lay the foundation for students to apply knowledge and skills from known situations to novel contexts. The integrative nature of the proposed standards makes explicit connections for educators and breaks down artificially created content "silos" to inspire connected student learning, preparing them for the workforce.

This proposed rulemaking is necessary to further address inconsistencies between statute and existing provisions of Chapter 4 caused by changes enacted to the Public School Code of 1949 by the General Assembly. Incorporating a comprehensive set of technical amendments to conform Chapter 4 with changes in statute will create alignment across State-level education policies and create consistency for affected stakeholders in understanding expectations.

Provisions of the Proposed Rulemaking

This proposed rulemaking would amend the following provisions in Chapter 4:

§ 4.3. Definitions

The existing definition of "AVTS—area vocational-technical school" is proposed to be replaced with a definition for "ACTS—area career and technical school." Within the definition, the term "vocational-technical education" is being amended to refer to "career and technical education." These proposed revisions reflect technical amendments to align the regulation with parallel terminology updates that were made globally throughout the Public School Code of 1949 by Act 76 of 2019. Technical amendments are incorporated throughout relevant sections of this proposed rulemaking to make existing references to AVTSs consistent with proposed amendments to this definition.

This proposed rulemaking deletes the existing definition for "vocational-technical education" and replaces it with a new definition for "career and technical education." No changes are proposed to the narrative description of the definition as it appears under the existing definition of "vocational-technical education." The proposed amendments only replace the term being defined with the more current language ("career and technical education") that was incorporated throughout the Public School Code of 1949 by Act 76 of 2019. Technical amendments are incorporated throughout relevant sections of this proposed rulemaking to replace existing references to "vocational-technical education" with "career and technical education," making language consistent with proposed revisions to this definition and consistent with terminology now used in statute.

§ 4.11(g)(3) and (4). Purpose of public education

The Board is proposing to align references to academic content areas in these sections with the structure of the proposed new science standards in § 4.12(a)(1)(ii) and (a)(2)(ii) and (iii) (relating to academic standards). These revisions are necessary to create consistency with the substantive changes proposed in § 4.12(a)(1)(ii) and (a)(2)(ii) and (iii).

§ 4.12(a)(1)(i) and (ii) and (a)(2)(i)—(iii). Academic standards

The Board is proposing to sunset the current academic standards in Science and Technology and in Environment and Ecology (published in Chapter 4 as Appendix B) on

June 30, 2024. The Board further is proposing to establish three new sets of academic standards in science that would take effect July 1, 2024, as follows: Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K—5), Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6—12), and Pennsylvania Technology and Engineering Standards (Grades 6—12). Amendments to these sections also include a narrative description for each set of proposed new standards. As reflected later in Annex A, proposed new standards would be published in Chapter 4 as Appendix B-1.

§ 4.12(i). *Academic standards*

The Board is proposing to amend the 3-year time frame for reviewing State academic standards and State assessments established in this section. Proposed amendments set forth that the reviews be conducted no sooner than every 5 years and no later than every 10 years. Conducting academic standards reviews every 3 years may not provide school entities adequate time to fully implement updated academic standards and gain experience delivering instruction under those standards before beginning a review process that may result in additional modifications to those standards. The Board finds a range of 5 years to 10 years between reviews to be a more feasible timeframe.

§ 4.21(a). *Elementary education: primary and intermediate levels*

The Board is proposing to amend this section to reflect a change to the compulsory school age enacted by Act 16 of 2019. Act 16 of 2019 reduced the age at which compulsory school attendance is required in Pennsylvania from age 8 to age 6. Language in this section speaks to the age at which children ordinarily complete a primary school program and currently references age 8. This language is being revised to align with the statutory change that lowered the age for compulsory attendance to age 6, the age at which students now are required to begin attending a primary school program.

§ 4.21(e)(3) and (4). *Elementary education: primary and intermediate levels*

Existing requirements in § 4.21(e) (relating to elementary education; primary and intermediate levels) set forth that planned instruction at the primary level shall align with State academic standards. Changes to this section are editorial to be consistent with substantive changes in § 4.12 that set forth proposed revisions to academic standards.

§ 4.21(f)(3) and (4). *Elementary education: primary and intermediate levels*

The Board is proposing to conform planned instruction topics for intermediate grades, set forth in this section, with the structure of the Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K—5) as proposed in § 4.12(a)(1)(ii). Changes to this section are editorial for consistency with substantive changes in § 4.12.

§ 4.22(c)(3) and (5). *Middle level education*

The Board is proposing to conform the planned instruction topics for middle level education, set forth in these sections, with the structure of the Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K—5), Pennsylvania Integrated Standards for Science, Environment, and Ecology (Grades 6—12), and Pennsylvania Technology and Engineering Standards (Grades 6—12) as proposed in

§ 4.12(a)(1)(ii) and (a)(2)(ii) and (iii). These changes are editorial for consistency with substantive changes in § 4.12.

§ 4.23(c)(3) and (5). *High school education*

The Board is proposing to conform the planned instruction topics for high school set forth in these sections with the structure of the Pennsylvania Integrated Standards for Science, Environment, and Ecology (6—12) and the Pennsylvania Technology and Engineering Standards (grades 6—12) as proposed in § 4.12(a)(2)(ii) and (iii). These changes are editorial for consistency with substantive changes in § 4.12.

§ 4.24. *High school graduation requirements*

In Act 6 of 2017 and Act 158 of 2018, the General Assembly enacted various changes to State high school graduation requirements. Act 6 of 2017 established new graduation requirements for students who are defined in statute as “CTE Concentrators.” The graduation pathway for CTE Concentrators and the definition of students who qualify to use this standard to meet graduation requirements are set forth in sections 121(c) and (d) of the Public School Code of 1949 (24 P.S. § 1-121(c) and (d)).

Act 158 of 2018 expanded the pathways that may be used to demonstrate readiness for graduation for general education students who are not CTE Concentrators. Act 158 of 2018 also delayed the effective date for use of the high school-level State assessments—Keystone Exams—as a graduation requirement. Among other changes, Act 158 of 2018 further established that students cannot be required to participate in a project-based assessment to satisfy graduation requirements, set forth that students who do not demonstrate proficiency on a Keystone Exam may be offered supplemental instruction but shall not be required to participate in this supplemental instruction, and permitted the inclusion of Keystone Exam performance results on student transcripts at the discretion of each school entity.

The amendments enacted to the Public School Code of 1949 by Act 6 of 2017 and Act 158 of 2018 supersede high school graduation policies established by the Board in Chapter 4. To the extent that the aforementioned amendments are in conflict with the Board’s existing graduation policies, the Board is proposing technical amendments to conform related provisions of Chapter 4 with the changes enacted by Act 6 of 2017 and Act 158 of 2018 to provide clarity and consistency between statute and regulation.

§ 4.24(a). *High school graduation requirements*

Technical amendments to this section extend the date by which local governing boards must approve, publish and distribute graduation requirements to no later than the beginning of the 2020-2021 school year. The deadline for this action is being extended for consistency with the date now set forth for such action in section 121(c.10) of the Public School Code of 1949 (24 P.S. § 1-121(c.10)).

§ 4.24(c) and (c)(1). *High school graduation requirements*

The Board is proposing to delay the effective date of these sections to the 2022-2023 school year. These revisions create consistency with amendments to section 121(b)(1) of the Public School Code of 1949 (24 P.S. § 1-121(b)(1)) that states “. . .the use of Keystone Exams as a graduation requirement or as a benchmark for the need for participation in a project-based assessment shall be delayed until the 2022-2023 school year.”

§ 4.24(c)(1)(iii). *High school graduation requirements*

Existing Board policy requires students to demonstrate proficiency in the current academic standards for Science

and Technology and Environment and Ecology to satisfy State graduation requirements. In addition, Federal accountability policies require high school students to participate in a uniform state assessment in science, and Pennsylvania's Keystone Exam in Biology has been approved by the United States Department of Education to satisfy this requirement. As the Board is proposing to update the existing science standards cited in this section in revisions proposed in § 4.12(a)(1)(ii) and (a)(2)(ii) and (iii), it is necessary to identify relevant content of the proposed new standards that would be assessed for the purposes of graduation and Federal accountability. Amendments to this section make clear that future determinations related to high school graduation will be based on a student demonstrating proficiency in the proposed high school-level Science and Environment and Ecology standards presented in proposed Appendix B-1.

§ 4.24(c)(1)(iii)(A). *High school graduation requirements*

Technical amendments to this section recognize that students may meet graduation requirements by attaining proficiency on Keystone Exams or by satisfying requirements of one of the pathways to graduation established by the General Assembly in section 121(c) and (c.1) of the Public School Code of 1949 (24 P.S. § 1-121(c) and (c.1)). Technical amendments to this section further remove reference to completion of a project-based assessment as a measure of proficiency to satisfy graduation requirements. Removal of the reference to project-based assessment conforms the regulation with section 121(c.5) of the Public School Code of 1949 (24 P.S. § 1-121(c.5)) that sets forth in statute that school entities may not be required to offer project-based assessments and students may not be required to participate in or complete project-based assessments as established in § 4.51(c) (relating to State assessment system).

§ 4.24(c)(1)(iii)(B)(I). *High school graduation requirements*

Existing language in this section sets forth that validated local assessments used for the purpose of demonstrating graduation requirements must align with Biology-related content in current states. As the Board is proposing to update its science standards, revisions to this section identify the relevant new standards proposed in § 4.12(a)(2)(ii) that contain Biology-related content for alignment with this section.

§ 4.24(c)(1)(iii)(B)(III). *High school graduation requirements*

The proposed deletion of § 4.24(d)—(f) (relating to high school graduation requirements) necessitated technical updates to the identification of the remaining subsections. As a result, existing subsection (g) is relabeled sequentially as subsection (d). Technical amendments presented in subsection (c)(1)(iii)(B)(III) update the existing cross-reference to refer to the appropriate section as it has been relabeled due to amendments elsewhere in the rulemaking.

§ 4.24(c)(1)(iii)(C). *High school graduation requirements*

The use of Advanced (AP) and International Baccalaureate (IB) exams for satisfying high school graduation requirements was addressed by the General Assembly in the graduation pathways established by Act 158 of 2018. Pathways that include consideration of AP and IB exam scores are reflected in section 121(c.1) of the Public School Code of 1949. Use of these assessments for making graduation determinations, as defined by the General Assembly, is captured in the statutory reference presented in proposed amendments to § 4.24(c)(1)(iii)(A) of this proposed rulemaking. Therefore, the Board is propos-

ing to delete this section as it does not align with statutory amendments regarding the use of AP and IB exam scores as they pertain to high school graduation determinations and a reference to the appropriate use of these exams as defined in statute is incorporated elsewhere in this proposed rulemaking.

§ 4.24(d) and (e). *High school graduation requirements*

Act 6 of 2017 deleted language from statute directing the development of Keystone Exams in English composition, algebra II, geometry, United States history, chemistry, civics and government, and world history. Therefore, the Board is proposing to delete these sections from the regulation to conform to changes reflected in section 121(a) of the Public School Code of 1949 that eliminate Keystone Exams in these content areas. Further, existing language in subsections (d) and (e) provide for a student to demonstrate proficiency in academic standards in English Language Arts (Composition) and Civics and Government through a pathway including a Keystone Exams. This pathway is no longer possible due to the elimination of Keystone Exams in these content areas by Act 6 of 2017 and, as such, the Board is proposing to delete the language from Chapter 4.

§ 4.24(f). *High school graduation requirements*

In Act 6 of 2017, the General Assembly established graduation requirements for students pursuing Career and Technical Education that are in conflict with the requirements for these students presented in this section of Chapter 4. Amendments to the Public School Code of 1949 established a definition for "CTE Concentrator" to define the population of students eligible to graduate under the pathway for CTE Concentrators set forth in section 121(c). Graduation requirements for CTE Concentrators are captured in the statutory reference presented in amendments to § 4.24(c)(1)(iii)(A) of this proposed rulemaking. Therefore, the Board is proposing to delete this section as its requirements do not align with statutory amendments regarding graduation measures for students who are CTE Concentrators and a reference to the graduation pathway for these students, as defined by the General Assembly, is incorporated elsewhere in this proposed rulemaking.

§ 4.24(d). (former subsection (g)) *High school graduation requirements*

Due to the proposed deletion of § 4.24(d)—(f), existing subsection (g) is being relabeled as subsection (d) to maintain sequential order of the remaining sections. Amendments to the designation for each section are carried through the end of § 4.24 to update the remaining sections with appropriate sequential references due to the deletion of subsections (d)—(f).

§ 4.24(f). (former subsection (i)) *High school graduation requirements*

The Board is proposing to amend requirements for student transcripts set forth in this section to align with requirements as established in section 121(c.9) of the Public School Code of 1949 (24 P.S. § 1-121(c.9)). Current language in this section of the regulation requires performance levels attained on Keystone Exams, validated local assessments or project-based assessments to be recorded on student transcripts. The current language is in conflict with changes enacted by Act 158 of 2018 to the aforementioned section of the School Code that permit, but do not require, performance levels demonstrated in each of the State academic standards, including the highest performance level attained on a Keystone Exam, to be included

on a student's transcript. The changes enacted by Act 158 of 2018 grant discretion to each individual school entity to determine whether or not to present this information on transcripts and how such information may be included.

§ 4.24(h). (former subsection (k)) *High school graduation requirements*

Act 158 of 2018 established section 121(c.4) of the Public School Code of 1949 (24 P.S. § 1-121(c.4)) governing supplemental instruction offered to students who do not demonstrate proficiency on a Keystone Exam or locally validated assessment. This statutory provision allows school entities to offer supplemental instruction, but prohibits required participation by students in supplemental instruction. Statutory language governing supplemental instruction further requires that these offerings not intrude on time for participation in Career and Technical Education programming or instruction related to a student's career, military or postsecondary education plans. Existing requirements for supplemental instruction established in subsection (h) are in conflict with the changes enacted by Act 158 of 2018 as the current regulation requires schools to offer supplemental instruction to students who do not demonstrate proficiency on a Keystone Exam or locally validated assessment and also requires students to participate in supplemental instruction. Therefore, the Board is proposing to amend this section to align with changes in statute which set forth that students are not required to participate in supplemental instruction and that schools may, but are not required, to offer supplemental instruction.

§ 4.24(i). *High school graduation requirements*

Amendments to this section make technical edits to reflect the proposed deletion of the existing § 4.24(d) and (e) as previously described. Proposed revisions further align the section with language that addresses student transfers from an out-of-State school in section 121(c.8) of the Public School Code of 1949 (24 P.S. § 1-121(c.8)). Language directing determinations of proficiency for out-of-State transfer students to be made "subject to guidance developed by the Secretary" is being deleted as a parallel requirement does not exist in the aforementioned statutory provision that addresses such determinations.

§ 4.24(m). *High school graduation requirements*

The Board is proposing to delete this section as the transitions facilitated under it are no longer relevant. As discussed earlier, Act 6 of 2017 removed language directing Keystone Exams to be developed in additional content areas beyond the exams already administered in Literature, Algebra I and Biology. Section 4.24(d) and (e) are proposed to be deleted to conform with that change in statute. Therefore, language in this section that addresses successfully effectuating transitions to the existing requirements of § 4.24(d) and (e) is no longer relevant as Keystone Exams will not be developed in the academic standards identified in those sections. Further, language that addresses transition between § 4.24(b) and (c) is no longer relevant as it addresses requirements for the 2015-2016 and 2016-2017 school years that did not take effect due to delays in the implementation of Keystone Exams as amended in section 121(b)(1) of the Public School Code of 1949.

§ 4.24(j). *High school graduation requirements*

The Board is proposing to add this new subsection to conform the regulation with section 121.1 of the Public School Code of 1949 (24 P.S. § 1-121.1). This technical amendment addresses conditions set forth in statute that suspend state requirements for students to take Keystone

Exams in any year where the Federal government waives testing and accountability and requirements and, alternatively, provides for a student to be deemed proficient for the purposes of meeting the high school graduation requirements set forth in § 4.24 by demonstrating successful completion of locally-established, grade-based requirements for the academic content areas associated with each Keystone Exam.

§ 4.31. *Career and Technical Education*

As described in amendments to § 4.3 (relating to definitions), updated terminology replacing "vocational-technical education" with Career and Technical Education is presented throughout § 4.31 (relating to vocational-technical education) and other relevant sections of this proposed rulemaking.

§ 4.31(a). *Career and Technical Education*

Amendments proposed earlier in this rulemaking reorganize § 4.24(g) as § 4.24(d). This section includes a technical amendment to reference the appropriate cross-reference as it is relabeled elsewhere in this proposed rulemaking to maintain sequential ordering.

§ 4.51(a)(6). *State assessment system*

This section sets forth the purpose of the State assessment system and identifies the academic standards through which student proficiency is measured on a State assessment. State assessments aligned with current standards for Science and Technology and Environment and Ecology are administered at three points in a student's educational career—grade 4, grade 8 and following completion of coursework in Biology. The Board is proposing to update the standards to which these State assessments are aligned, as proposed in § 4.12(a)(1)(ii) and (a)(2)(ii) and (iii). As this, amendments to subsection (a)(6) would align State assessments administered in Science with the new science standards proposed in Appendix B-1 of this proposed rulemaking.

§ 4.51a. *Pennsylvania System of School Assessment*

This section directs the Department to develop exams used as part of the Pennsylvania System of School Assessment (PSSA) based on academic standards identified in the section, including our current academic standards in Science and Technology and Environment and Ecology. This Commonwealth currently administers the PSSA in Science in grade 4 and in grade 8, as required in this section of Chapter 4. As previously noted, in this proposed rulemaking the Board is seeking to adopt new academic standards for science. Proposed amendments to § 4.51a(a) (relating to Pennsylvania System of School Assessment) and its paragraphs align references to academic standards for science with the structure of the new proposed standards and adds reference to the new science standards proposed in Appendix B-1 of this proposed rulemaking.

§ 4.51a(a)(3). *Pennsylvania System of School Assessment*

Proposed amendments to subsection (a)(3) align references to academic standards for science with the structure of the new proposed standards, consistent with language presented in the proposed amendment to § 4.51a.

§ 4.51b(a)(1)—(4). *Keystone Exams*

The Board is proposing to make technical amendments to conform this section with changes enacted by Act 6 of 2017. Act 6 of 2017 deleted language from section 121(a) of the Public School Code (24 P.S. § 1-121(a)) that directed the Department to develop Keystone Exams in

additional content areas beyond the existing exams for Literature, Algebra I and Biology. Therefore, provisions in subsection (a)(1)—(4) that direct the Department to develop Keystone Exams in Algebra II, Geometry, composition, American history, world history, and civics and government are in conflict with changes to statute. Proposed amendments to these sections delete language directing the development of Keystone Exams in content areas that no longer are included in statute and update language for grammatical consistency. Finally, an amendment to subsection (a)(3) proposed to update the academic standards to which the Keystone Biology exam is aligned to refer to the new Pennsylvania Integrated Standards for Science, Environment and Ecology (grades 6—12) as contained in Appendix B-1 of this proposed rulemaking.

§ 4.51b(d). *Keystone Exams*

The Board is proposing technical amendments to conform this section with changes enacted by Act 158 of 2018. Through the addition of section 121(c.4) to the Public School Code of 1949, Act 158 of 2018 prohibits the required participation of students in supplementary instruction, which is inconsistent with language in subsection (d) that creates conditions regarding eligibility to retake a Keystone Exam that require successful completion of supplementary instruction as a prerequisite. Act 158 of 2018 further addressed the matter of Keystone Exam retakes in the addition of section 121(c.7) to the Public School Code of 1949 (24 P.S. § 1-121(c.7)). Statutory language in that new section permits a student to retake a Keystone Exam only if the student or parent submits a written request. Subsection (d) does not specify that requests to retake a Keystone Exam must be submitted in writing. Therefore, revisions are being proposed to § 4.51b(d) (relating to Keystone Exams) to align language in the regulation with relevant changes enacted by Act 158 of 2018 that address supplementary instruction and Keystone Exam retakes.

§ 4.51b(f). *Keystone Exams*

The Board is proposing technical amendments to conform subsection (f) with statutory changes enacted by Act 158 of 2018. As noted previously, Act 158 of 2018 prohibits required participation of students in supplemental instruction, as set forth in section 121(c.4) and (5) of the Public School Code of 1949. Therefore, language regarding the provision of supplemental instruction in this section is being amended to replace the term “shall” with the term “may” to recognize that a student cannot be required to participate in supplemental instruction offerings. Additional amendments to this section are being proposed to conform with section 121(c.5) of the Public School Code of 1949 which establishes that no school entities may be required to offer project-based assessments and students may not be required to participate in or complete a project-based assessment. Subsection (f) now is inconsistent with these statutory changes as it would require a student to complete a project-based assessment if other conditions established in the section are not met. The Board is proposing to delete language requiring students to complete a project-based assessments in certain circumstances and to align subsection (f) with provisions governing project-based assessment as they now are set forth by the General Assembly in statute.

§ 4.51b(j) and (k). *Keystone Exams*

The Board is proposing to delete subsections (j) and (k) to conform with changes enacted by Act 6 of 2017 that eliminated language directing the development of Key-

stone Exams in Algebra II, Geometry, composition, civics and government, world history, U.S. history and chemistry. These sections are no longer relevant as Keystone Exams in these content areas will not be developed.

§ 4.51b(j). (former Section 4.51(b)(1)) *Keystone Exams*

The Board is proposing to amend subsection (j) to recognize that the Federal No Child Left Behind Act of 2001 (NCLB) (Pub.L. No. 107-110) has been reauthorized and that Keystone Exams will continue to serve as the approved high school level accountability system required under the Every Student Succeeds Act (Public Law 114-95), NCLB’s successor Federal statute. The Board also is proposing to delete language that speaks to prospective approval of the Algebra I, Literature and Biology Keystone Exams by the United States Department of Education as the approval already has been granted. The section also includes a technical amendment updating the term “AVTSS” to “ACTSS,” consistent with parallel terminology changes that are incorporated throughout the chapter. Finally, the citation for § 4.51b(l), along with citations for subsections (k)—(n), are being relabeled to maintain sequential order of provisions due to the proposed deletion of subsections (j) and (k).

§ 4.51c. *Project-based assessment*

Proposed amendments to § 4.51c (relating to project-based assessment) conform the section with changes enacted by Act 6 of 2017 and Act 158 of 2018. Subsection (a) deletes language that directs project-based assessments to be developed in composition and civics and government that are aligned to the modules of the Keystone Exams. Act 6 of 2017 eliminated the development of Keystone Exams in composition and civics and government. Thus, developing project-based assessments in those content areas no longer is relevant as there will be no Keystone Exam modules in those content areas to which a project-based assessment would be aligned.

A reference to section 121(c.5) of the Public School Code of 1949 that governs participation in project-based assessment is proposed to be added by the Board for clarity in the permissible use of project-based assessment by school entities and for alignment with statutory changes that do not require districts to administer project-based assessment and that prohibit the required participation of students in project-based assessment.

The Board is proposing to delete subsections (b)—(g) to further conform the regulation with section 121(c.5) of the Public School Code of 1949. Language in these sections sets forth requirements for the administration of project-based assessment and establishes criteria that may make a student eligible to participate in a project-based assessment, which is in conflict with section 121(c.5) that does not require school entities to offer project-based assessments and prohibits required participation of students in project-based assessments.

§ 4.51d. *Waivers*

Act 158 of 2018 added section 121(c.3) to the Public School Code of 1949 (24 P.S. § 1-121(c.3)) that addresses the circumstances in which chief school administrators may grant waivers to demonstrations of proficiency required for high school graduation. Waiver provisions established in § 4.51d (relating to waivers), including those related to the percentage of students who may qualify to receive a waiver, are inconsistent with the waiver requirements established in statute. The Board is proposing to delete language in § 4.51d, 4.51d(1)(i)—(iv) and 4.51d(2) and create clarity surrounding waiver re-

quirements by replacing this language with a reference to waiver requirements established by the General Assembly in section 121(c.3) to the Public School Code of 1949.

The citation for § 4.51d(3) is being relabeled as § 4.51d(1) to align with the proposed deletion of the subsections preceding it. Within this section, the Board is proposing to incorporate an additional technical amendment to ensure annual reporting on the number of waivers issued to students is conducted in a manner consistent with the reporting requirements for waivers set forth in section 121(c.11)(6) of the Public School Code of 1949 (24 P.S. § 1-121(c.11)(6)).

Finally, the Board is proposing to delete § 4.51d(6) as it refers to action that would occur under paragraph (2) of § 4.51d and this rulemaking proposes the deletion of paragraph (2).

Appendix B-1

The Board is proposing to add Appendix B-1 as a new Appendix in the regulation. Appendix B-1 contains three sets of proposed new academic standards for science as follows: Pennsylvania Standards for Integrated Science, Environment, Ecology, Environment and Engineering (Grades K—5), Pennsylvania Standards for Integrated Science, Environment and Ecology (Grades 6—12), and Pennsylvania Technology and Engineering Standards (Grades 6—12).

As described previously, amendments to § 4.12(a)(1)(ii) and (a)(2)(ii) and (iii) set forth a July 1, 2024, effective date for the proposed standards in Appendix B-1. Proposed amendments to § 4.12(a)(1)(i) and (a)(2)(i) address the current science standards published in Appendix B and set forth that those standards would sunset on June 30, 2024.

The State's current Academic Standards for Science and Technology and Academic Standards for Environment and Ecology, adopted in 2002, were organized by topics of what students should know and be able to do by the end of 4th, 7th, 10th and 11th grades. The standards contained in Appendix B-1 of this proposed rulemaking requires a shift to grade level expectations for kindergarten through fifth grade, allowing for clear learning progressions by grade in elementary school, and require a shift to grade bands for 6—8 and 9—12 allowing for greater flexibility in course design and progression at the middle and high school levels.

The current Academic Standards for Science and Technology and Academic Standards for Environment and Ecology, adopted in 2002, also were organized into two separate sets of standards. As they pertain to the earliest grades, the new standards presented in this proposed rulemaking requires integration of Environment, Ecology, Science, Engineering and Technology education for kindergarten through fifth grade. The integration of Science, Technology, Engineering, Environment and Ecology into one document for kindergarten through fifth grades systematically ensures equity of the content covered at these early grades and enables educators to expose students to the interconnected nature of Science, Technology, Engineering, Environment and Ecology at the earliest grades. Further, the integration of Science, Technology, Engineering, Environment and Ecology, along with their application, reflects how these disciplines are practiced in the real world.

The standards contained in Appendix B-1 of this proposed rulemaking also reflect a shift to the integration of Science with Environment and Ecology for grades 6—12, encouraging integration across the Science disciplines

while promoting equity by ensuring the Environment and Ecology content is included in Science instruction for all students across all grades.

Finally, the State's current Academic Standards for Science and Technology and Academic Standards for Environment and Ecology, adopted in 2002, were organized into two separate sets of standards documents with Technology and Engineering integrated across each set of standards. The standards presented in Appendix B-1 of this proposed rulemaking separate Technology and Engineering standards from the Science, Environment and Ecology standards for grades 6—12.

The new standards presented in this proposed rulemaking are informed by seminal research in science, technology, environment and ecology education, such as the National Research Council's "A Framework for K—12 Science Education, Standards for Technology and Engineering Literacy" and the Environment and Ecology framework of the North American Association for Environmental Educators. In addition, this proposed rulemaking considers the Pennsylvania context with clear connections to agriculture, career readiness and sustainability. This proposed regulation shifts away from a focus on the regurgitation of disciplinary content to a multidimensional approach for teaching and learning that includes cross-content connections such as the understanding of "scale, proportion, and quantity" and "systems and system models," disciplinary core ideas such as "physical sciences" or "life sciences", and practices like "developing and using models" or "analyzing and interpreting data". This proposed regulation sets the conditions for students to work and learn across these multiple dimensions by better preparing students to apply skills and concepts in a novel context and demonstrating knowledge and skills gained through the learning experiences.

Affected Parties

This proposed rulemaking would affect public school districts, ACTSs, and charter and cyber charter schools in this Commonwealth, and their employees and students, as well as educator preparation programs that prepare new teachers.

Cost and Paperwork Estimates

This proposed rulemaking will not impose any costs on students. Further, this proposed rulemaking is not anticipated to impose new costs on programs that train new educators. The proposed updated standards will act as a guide for redesigning some courses educator preparation programs deliver to individuals preparing to become teachers to ensure course content is aligned to current academic standards.

This does not impose a new cost for additional coursework. Rather, the impact on educator preparation programs would shift the content of some existing courses, and the Department will provide educator preparation program faculty with access to implementation supports it will make available for updated science standards to support this work.

Further, the Department will update its program framework guidelines for educators in the science, technology, environment, ecology and engineering fields to align with the new proposed standards. Outreach conducted with the Pennsylvania Association of Colleges and Teacher Educators, which includes educator preparation programs at private colleges and universities, State-related universities and the Pennsylvania State System of Higher Education (PASSHE), indicated that this proposed rulemaking will not impose a cost on the institutions.

Educator preparation program updates occur through two basic means: as a part of faculty expectations or as departmental service. Costs only would be incurred if updates occurred outside of the contract period (PASSHE faculty are 9-month employees), and approval for curriculum updates could take 12–18 months (2-3 semesters) at some institutions. This proposed rulemaking includes a July 1, 2024, effective date for implementation of updated standards which should provide adequate time for educator preparation programs to make any necessary adjustments.

As part of the stakeholder engagement convened by the Department in developing recommended standards updates, science educators were asked to complete a survey that included strategic questions to discern what academic standards K–12 schools utilize when creating their curriculum. The results of the survey indicated that, as of the 2019-2020 school year, approximately 42% of respondents in this Commonwealth reported using the National frameworks in designing learning experiences, while between 35–37% reported having curriculums aligned to National standards and frameworks. This presumably will necessitate fewer or more minor adjustments to curriculum to align with the updated standards in this proposed rulemaking, since the proposed amended standards were informed by current National standards frameworks in their development and incorporate some elements of the frameworks already referenced by educators.

For the purposes of this proposed rulemaking, school entities are considered local governments. To determine a specific estimate of the costs to local governments, the Board sought to determine the cost of implementing updated standards in the remaining school entities in this Commonwealth that did not report that they already are aligning their curriculum to current National standards and frameworks and, thus, would need to revise curriculum. School entities typically engage in curriculum review cycles every 5 to 6 years. Thus, the Board anticipates that efforts to implement the updated standards included in this proposed rulemaking will be reflected in school entities' existing budgetary practices for curriculum review and updates, therefore becoming part of a traditional cycle for updating school entity resources. As that, this proposed rulemaking does not add new costs in so much as it refines the focus of current instruction.

At the State level, the Board anticipates that this proposed rulemaking will cost approximately \$17,994,792 in total through Fiscal Year (FY) 2025-2026 to review and update the PSSA exams in Science, the Keystone Biology exam, the Pennsylvania Standards Aligned System resources and to provide technical support for school entities. As a result of this proposed rulemaking, the Department anticipates a need to update the PSSA Science exams, administered in grades 4 and 8, and the Keystone Exam in Biology to align to the proposed updates to our academic standards in science. To support implementation of the revised standards locally, the Department will provide educators with access to State-developed resources through the Standards Aligned System web site, professional learning, and on-going support and consultation. The Department will provide technical assistance supports through the expertise of its content advisors and additional professional learning supports through the Statewide System of Support deployed through collaboration with the existing network of regional Intermediate Units.

Through collaboration with the State's 29 Intermediate Units, the Department drives professional learning to

support science, technology, environment, and ecology education through the Statewide System of Support. Since 2016, the Department has been driving professional learning to educators and school entities aligned to robust research, practice, and recent guidance outlined by "A Framework for K–12 Science Education: Practices, Crosscutting Concepts, and Core Ideas," "Taking Science To School," and "Science Teacher's Learning: Enhancing Opportunities Creating Supportive Contexts." Since 2016, the Department has invested more than \$4.3 million in Federal and State funds to enhance educators' and school entities' ability to ensure all learners, especially those who have been historically underserved, are included in science, technology, engineering and environmental learning experiences. The investment has resulted in the development of an Open Education Resource (OER) STEM Toolkit, provision of research-aligned professional learning for thousands of educators across the commonwealth, and school entities' building STEM Comprehensive plans. This upfront investment over the last 4 years will support school entities in implementing the new standards included in this proposed rulemaking.

Continued annual investments of \$1.8 million in the Statewide System of Support will ensure each Intermediate Unit has a STEM Point of Contact with the expertise to deliver professional learning and technical assistance at no cost to school entities as they build towards implementation of the Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K–5), Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6–12), and the Pennsylvania Technology and Engineering Standards (Grades 6–12).

In addition to the State-level investments in education infrastructure through the Intermediate Units, the Department employs content advisors who provide curriculum alignment supports for school entities across this Commonwealth. The Department has individual content advisors dedicated to science, technology, engineering, environment and ecology education with the expertise necessary to guide implementation for the field. Support for standards implementation by the Department, including updating, aligning and designing resources for school entities and educators, can be carried out with the current staff complement of content advisors. The resources developed by the Department will be curated on the Department's Standards Aligned System web site for voluntary use by school entities at no cost to the school entities.

Below is an estimate of anticipated costs to the State to implement the proposed rulemaking on an annual basis through FY 2025-2026:

FY 2020-2021: The estimated State cost is \$1,827,000, which represents the annual investment in the Pennsylvania Statewide System of Support deployed through Intermediate Units to provide professional learning to educators.

FY 2021-2022: The estimated State cost is \$1,827,000, which represents the annual investment in the Pennsylvania Statewide System of Support deployed through Intermediate Units to provide professional learning to educators.

FY 2022-2023: The estimated State cost is \$9,258,797, which reflects a flat annual investment in the Pennsylvania Statewide System of Support to provide professional learning for educators, work to revise state assessments and efforts to revise the state resource system for educa-

tors to align resource content with the proposed new standards. Anticipated costs include aligning the State assessment question bank to reflect the content of the updated science standards in the proposed regulation and modernizing the testing process towards technology-enhanced items. Updated performance-based academic standards will enable adjustments to state assessments that enable automated scoring.

FY 2023-2024: The estimated State cost is \$2,891,071, which reflects efforts to continue refining State assessment items and resources for educators.

FY 2024-2025: The estimated State cost is \$1,827,000, and estimated savings are \$1,463,076, resulting in an estimated net cost of \$363,924. The estimated cost reflects an annual investment in the Pennsylvania Statewide System of Support to provide professional learning for educators. The estimated savings reflects a shift in assessment practices. The Department anticipates that updated State assessments will be administered for the first time beginning in FY 2024-2025. Estimated savings are realized through a shift from hand-scored assessments to automated scoring, enabled by adopting updated performance-based standards. This estimate assumes a shift from hand-scored items to technology-enhanced items. Hand-scored items require the time and expertise of several professionals to score individual assessments. Technology-enhanced items do not require the time and expertise of several professionals. It is anticipated that this shift will result in annual savings in future years.

FY 2025-2026: The estimated State cost is \$1,827,000, which reflects a flat annual investment in the Pennsylvania Statewide System of Support to provide professional learning for educators.

Estimated State costs take into account resources and collaborations, such as Federal grants, that will support implementation of this proposed rulemaking. Through collaborative efforts with the State's network of Intermediate Units, the Department has been working with the Stroud Watershed Research Center, the National Oceanic and Atmospheric Association, the Department of Conservation and Natural Resources, the Department of Environmental Protection and other collective impact partners through a multiyear Federal grant to build a robust network that is delivering professional learning and technical assistance in environmental, ecology and watershed education to school entities across this Commonwealth. The collaboration represents an upfront investment preparing educators and school entities for research-aligned supports and has established a foundation for implementing the new standards presented in this proposed rulemaking. This Federally grant-funded program will continue through 2022 to support professional development for educators and environmental literacy for scholars across this Commonwealth.

Effective Date

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

Sunset Date

The Board will review the effectiveness of Chapter 4 every 4 years in accordance with the Board's policy and practice respecting all of its regulations. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 11, 2021, the Board submitted a copy of this proposed rulemaking and a copy of a

Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

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

Public Comments and Contact Person

Interested persons and individuals affiliated with small businesses are invited to submit written comments, questions, suggestions, commendations, concerns or objections regarding this proposed rulemaking to Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126, ra-stateboardofedpa.gov. Comments must be submitted to Board within 30 days of publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling the Board at (717) 787-3787 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

KAREN MOLCHANOW,
Executive Director

Fiscal Note: 6-347. (1) General Fund; (2) Implementing Year 2020-21 is \$1,827,000; (3) 1st Succeeding Year is 2021-22 is \$1,827,000; 2nd Succeeding Year 2022-23 is \$9,258,797; 3rd Succeeding Year 2023-24 is \$2,891,071; 4th Succeeding Year 2024-25 is \$363,924; 5th Succeeding Year 2025-26 is \$1,827,000; (4) 2019-20 Program—\$6,826,960,000; 2018-19 Program—\$6,176,781,000; 2017-18 Program—\$6,076,455,000; (7) PA Assessment, Teacher Professional Development, General Government Operations and Basic Education Funding; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

GENERAL PROVISIONS

§ 4.3. Definitions.

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

[**AVTS—Area vocational-technical school**]
[**ACTS—Area career and technical school**]—A public school that provides [**vocational-technical**] **career and technical** education to secondary school students, out-of-school youth and adults in a geographical area comprised and operated by one or more school districts and established under sections 1840—1853 of the School Code (24 P.S. §§ 18-1840—18-1853).

* * * * *

Board—The State Board of Education established under sections 2601-B—2606-B of the School Code (24 P.S. §§ 26-2601-B—26-2606-B).

Career and technical education—Programs under public supervision and control which provide an organized process of learning experiences designed to develop integrated academic and occupational skills, knowledge, attitudes, work habits and leadership ability for entry into and advancement within various levels of employment in occupational areas of agriculture, business, marketing and distribution, health, home economics and trade and industry and for participation in postsecondary education and training.

Chief school administrator—The superintendent of a school district, the superintendent of an [AVTS] ACTS or the chief executive officer of a charter school.

Cooperative [vocational-technical] career and technical education—A planned method of instruction developed through a signed cooperative arrangement among school representatives, students, parents and employers in the community to provide students with an opportunity to alternate in-school academic and [vocational-technical] career and technical instruction in entry-level paid employment in an occupational field, in which the student's total occupational work experience is planned, coordinated and supervised by the school in close cooperation with the employer.

* * * * *

Employment area—A geographic area where [vocational-technical] career and technical education program completers are most likely to be employed.

* * * * *

School entity—A local public education provider (for example, public school district, charter school, cyber charter school, [AVTS] ACTS or intermediate unit).

School organization—The organization of a school district's programs into kindergarten, primary, intermediate level, middle level and high school programs, including programs operated at [AVTSs] ACTSs.

* * * * *

Tech-prep program—A combined secondary and postsecondary program which leads to an associate degree or certificate and employment by providing technical preparation in engineering technology, applied science, mechanical, industrial or practical art or trade, agriculture, health or business, including development of competence in mathematics, science and communications through a sequential course of study.

[Vocational-technical education—Programs under public supervision and control which provide an organized process of learning experiences designed to develop integrated academic and occupational skills, knowledge, attitudes, work habits and leadership ability for entry into and advancement within various levels of employment in occupational areas of agriculture, business, marketing and distribution, health, home economics and trade and industry and for participation in postsecondary education and training.]

§ 4.4. General policies.

* * * * *

(e) The Department will provide support to school districts, [AVTSs] ACTSs and charter schools, including

cyber charter schools, in developing educational programs that enable students to attain academic standards under § 4.12. Department support will include:

(1) Establishment of a voluntary model curriculum and diagnostic supports aligned with State academic standards in each of the content areas assessed by the Keystone Exams under § 4.51b(i) and (j) (relating to Keystone Exams).

(2) Assistance in the development of effective student tutoring, remediation and extended instructional time programs.

(3) Opportunities for continuing professional education designed to improve instruction in each of the content areas assessed by the Keystone Exams under § 4.51b(i) and (j).

(4) Technical guidance in developing local assessments that meet the requirements of § 4.24(c)(1)(iii)(B) (relating to high school graduation requirements), upon request.

(f) The Department may not, and the Board will not, require school entities to utilize a Statewide curriculum or Statewide reading lists.

ACADEMIC STANDARDS AND PLANNING

§ 4.11. Purpose of public education.

* * * * *

(g) Public schools provide instruction throughout the curriculum so that students may develop knowledge and skills in the following areas:

(1) English language arts.

(2) Mathematics.

(3) Science and [technology] environment and ecology.

(4) [Environment and ecology] Technology and engineering.

(5) Social studies (civics and government, geography, economics and history).

(6) Arts and humanities.

(7) Career education and work.

(8) Health, safety and physical education.

(9) Family and consumer science.

* * * * *

§ 4.12. Academic standards.

(a) School entities may develop, expand or improve existing academic standards in the following content areas:

(1) The following apply:

(i) **Through June 30, 2024:** *Science and technology.* Study of the natural world and facts, principles, theories and laws in the areas of biology, chemistry, physics and earth sciences. Technology is the application of science to enable societal development, including food and fiber production, manufacturing, building, transportation and communication. Science and technology share the use of the senses, science processes, inquiry, investigation, analysis and problem solving strategies. The Pennsylvania Core Standards for Reading in Science and Technology and the Pennsylvania Core Standards for Writing in Science and Technology will be an appendix to the Commonwealth's academic standards for Science and Technology upon publication in the *Pennsylvania Bulletin*.

(ii) Effective July 1, 2024: Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K–5). Guide the elementary-level study of the natural and human-made world through inquiry, problem-solving, critical thinking, and authentic exploration. The integration of these disciplines in the elementary grades highlights the interconnectedness of scientific study and the integral relationship between humans and the environment.

(2) The following apply:

(i) Through June 30, 2024: Environment and ecology. Understanding the components of ecological systems and their interrelationships with social systems and technologies. These components incorporate the disciplines of resource management, agricultural diversity, government and the impact of human actions on natural systems. This interaction leads to the study of watersheds, threatened and endangered species, pest management and the development of laws and regulations.

(ii) Effective July 1, 2024: Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6–12). Utilize a three-dimensional approach to guide the study of physical sciences, life sciences, and earth and space sciences at the middle and high school levels. The standards highlight the critical intersections of these disciplines with environmental science, ecology and agriculture. These three-dimensional standards integrate disciplinary core ideas, practices in science and engineering, and crosscutting concepts into coherent learning progressions across the grade bands.

(iii) Effective July 1, 2024: Pennsylvania Technology and Engineering Standards (Grades 6–12). Define the knowledge, skills and abilities necessary for establishing literacy in technology and engineering literacy. Students develop a practical understanding of how humans are influenced by science and technology. Four core disciplinary standards describe practices in technology and engineering and include specific benchmarks for students in grade bands 6–8 and 9–12.

(3) Social studies.

(i) History. Study of the record of human experience including important events; interactions of culture, race and ideas; the nature of prejudice; change and continuity in political systems; effects of technology; importance of global-international perspectives; and the integration of geography, economics and civics studies on major developments in the history of the Commonwealth, the United States and the world.

* * * * *

(5) Career education and work. Understanding career options in relationship to individual interests, aptitudes and skills including the relationship between changes in society, technology, government and economy and their effect on individuals and careers. Development of knowledge and skill in job-seeking and job-retaining skills and, for students completing [**vocational-technical**] **career and technical education** programs, the skills to succeed in the occupation for which they are prepared.

* * * * *

(i) [**Every 3 years**] **No sooner than every 5 years and no later than every 10 years**, the Board will review the State academic standards and State assessments under this section to determine if they are appro-

priate, clear, specific and challenging, and will make revisions as necessary by revising this chapter.

(j) The Department may not expand the collection of student data and, in accordance with section 444 of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. § 1232g), regarding family educational and privacy rights, may not collect personal family data due to the implementation of Pennsylvania Core Standards in Appendix A-2.

CURRICULUM AND INSTRUCTION

§ 4.21. Elementary education: primary and intermediate levels.

(a) The primary program shall ordinarily be completed by children who are approximately [**8**] **6** years of age. School districts, including charter schools, shall provide opportunities for individualized rates of learning and social and emotional development that reflect differing rates of development and learning styles of young children.

* * * * *

(e) Planned instruction aligned with academic standards in the following areas shall be provided to every student every year in the primary program. Planned instruction may be provided as separate course or other interdisciplinary activity.

(1) Language arts, integrating reading, writing, phonics, spelling, listening, speaking, literature and grammar, and information management, including library skills.

(2) Mathematics, including problem-solving and computation skills.

(3) Science, **environment** and [**technology education**] **ecology**, involving active learning experiences for students.

(4) [**Environment and ecology**] **Technology and engineering** education, involving active learning experiences for students.

* * * * *

(f) Planned instruction in the following areas shall be provided to every student every year in the intermediate level program. Planned instruction may be provided as a separate course or as an instructional unit within another course or other interdisciplinary instructional activity:

(1) Language arts, integrating reading, writing, spelling, listening, speaking, literature and grammar.

(2) Mathematics, including problem-solving and computation skills.

(3) Science, **environment** and [**technology**] **ecology**, including instruction about agriculture and agricultural science.

(4) [**Environment and ecology, including instruction about agriculture and agricultural science**] **Technology and Engineering**.

(5) Social studies (civics and government, economics, geography and history).

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§ 4.22. Middle level education.

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(c) Planned instruction aligned with academic standards in the following areas shall be provided to every student in the middle level program. Planned instruction

may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

- (1) Language arts, integrating reading, writing, listening, speaking, literature and grammar.
 - (2) Mathematics, including mathematical reasoning, algebra and problem-solving.
 - (3) Science, **environment** and **[technology] ecology**, which involves active learning experiences and which may include laboratory experiments **[and]**, instruction in agriculture and agricultural science, **and political and economic aspects of ecology**.
 - (4) Social studies (civics and government, economics, geography and history, including the history and cultures of the United States, the Commonwealth, and the world).
 - (5) **[Environment and ecology, including social, political and economic aspects of ecology, and instruction in agriculture and agricultural science] Technology and Engineering**.
 - (6) Information skills, including access to traditional and electronic information sources, computer use and research.
 - (7) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.
 - (8) The arts, including art, music, dance and theatre.
 - (9) Career education, including exposure to various career options and the educational preparation necessary to achieve those options.
 - (10) Technology education, emphasizing practical application of academic skills and problem-solving experiences facilitated by technology.
 - (11) Family and consumer science, including principles of consumer behavior and basic knowledge of child health and child care skills.
- (d) This section does not preclude the teaching of other planned instruction designed to achieve a school entity's academic standards.
- (e) School entities shall determine the most appropriate way to operate their middle level programs to achieve the purposes under subsection (b) and any additional academic standards as determined by the school entity.

§ 4.23. High school education.

* * * * *

(c) Planned instruction aligned with academic standards in the following areas shall be provided to every student in the high school program. Planned instruction may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

- (1) Language arts, integrating reading, writing, listening, speaking, literature and grammar.
- (2) Mathematics, including problem-solving, mathematical reasoning, algebra, geometry and concepts of calculus.
- (3) Science, **environment** and **[technology] ecology**, including **scientific, social, political and economic aspects of ecology**, participation in hands-on

experiments and at least one laboratory science chosen from life sciences, earth and space sciences, chemical sciences, physical sciences and agricultural sciences.

- (4) Social studies (civics and government, economics, geography and history, including the history and cultures of the United States, the Commonwealth and the world).
- (5) **[Environment and ecology, including scientific, social, political and economic aspects of ecology] Technology and Engineering**.
- (6) The arts, including art, music, dance, theatre and humanities.
- (7) Use of applications of microcomputers and software, including word processing, database, spreadsheets and telecommunications; and information skills, including access to traditional and electronic information sources, computer use and research.
- (8) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.
- (9) Family and consumer science, including principles of consumer behavior and basic knowledge of child health, child care and early literacy skill development.

(d) The following planned instruction shall be made available to every student in the high school program:

- (1) **[Vocational-technical] Career and technical** education under §§ 4.3 and 4.31—4.35.
- (2) Business education, including courses to assist students in developing business and information technology skills.
- (3) World languages under § 4.25 (relating to languages).
- (4) Technology education, incorporating technological problem-solving and the impacts of technology on individuals and society.

(e) College-level advanced placement courses may be offered as planned instruction in the high school curriculum.

(f) This section does not preclude the teaching of other planned instruction designed to achieve a school district's, including a charter school's, academic standards.

(g) School districts, including a charter school, shall determine the most appropriate way to operate their high school programs to achieve the purposes under subsection (a) and any additional academic standards as determined by the school entity.

§ 4.24. High school graduation requirements.

(a) *Approval.* High school graduation requirements and revisions to them shall be approved by a school entity's governing board **[by September 2, 2014] no later than the beginning of the 2020-2021 school year**, and a copy of the requirements shall be published and distributed to students, parents and guardians. Copies of the requirements also shall be available in each school building or on each school entity's publicly accessible web site. Changes to high school graduation requirements shall be published and distributed to students, parents and guardians and made available in each school building or on each school entity's publicly accessible web site immediately following approval by the governing board.

(b) *Requirements through the 2015-2016 school year.* Each school district, charter school (including a cyber charter school) and [AVTS] ACTS, if applicable, shall specify requirements for graduation. Requirements through the 2015-2016 school year must include course completion and grades, completion of a culminating project, results of local assessments aligned with the academic standards and a demonstration of proficiency in English Language Arts and Mathematics on either the State assessments administered in grade 11 or 12 or local assessments aligned with academic standards and State assessments under § 4.52 (relating to local assessment system) at the proficient level or better to graduate. The purpose of the culminating project is to assure that students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.

(c) *Requirements beginning in the [2016-2017] 2022-2023 school year.*

(1) *General.* Beginning in the [2016-2017] 2022-2023 school year, each school district, charter school (including a cyber charter school) and [AVTS] ACTS, if applicable, shall adopt and implement requirements for high school graduation that, at minimum, include:

(i) Course completion and grades.

(ii) Demonstration of proficiency as determined by the school district, charter school (including a cyber charter school) or [AVTS] ACTS, if applicable, in each of the State academic standards not assessed by a State assessment under § 4.51, § 4.51a or § 4.51b (relating to State assessment system; Pennsylvania System of School Assessment; and Keystone Exams).

(iii) Demonstration of proficiency or above in each of the following State academic standards: English Language Arts and Mathematics (Appendix A-2); Science and [Technology] and Environment and Ecology [Appendix B] (Appendix B-1), as determined through any one or a combination of the following:

(A) Completion of secondary level coursework in English Language Arts (Literature), Algebra I and Biology in which a student demonstrates proficiency on the associated Keystone Exam or [**related project-based assessment if § 4.4(d)(4) (relating to general policies applies) through a pathway established in section 121(c) or 121(c.1) of the Public School Code of 1949 (24 P.S. §§ 121(c) or (c.1)).**

(I) A school district, [AVTS] ACTS or charter school, including a cyber charter school, shall allow a student to take a Keystone Exam prior to taking the course associated with the exam's content provided that the student achieved a score of advanced on the most recent associated PSSA assessment administered to the student.

(II) A school district, [AVTS] ACTS or charter school, including a cyber charter school, shall allow a student who transfers from another state to take a Keystone Exam prior to taking the course associated with the exam's content, provided that the student achieved a score comparable to the PSSA's advanced performance level on a comparable assessment administered by another state.

(III) A school district, [AVTS] ACTS or charter school, including a cyber charter school, may allow a student who scores at the advanced level on a particular

Keystone Exam prior to taking the course to be granted course credit for the course without having to complete the course.

(B) Locally approved and administered assessments, which shall be independently and objectively validated once every 6 years. Local assessments may be designed to include a variety of assessment strategies listed in § 4.52(c) and may include the use of one or more Keystone Exams. Except for replacement of individual test items that have a similar level of difficulty, a new validation is required for any material changes to the assessment. Validated local assessments must meet the following standards:

(I) Alignment with the following State academic standards: English Language Arts (Literature and Composition); Mathematics (Algebra I), Science and [Technology,] Environment and Ecology (Biology), and Civics and Government.

(II) Performance level expectations and descriptors that describe the level of performance required to achieve proficiency comparable to that used for the Keystone Exams.

(III) Administration of the local assessment to all students, as a requirement for graduation, except for those exempted by their individualized education program under subsection [(g)] (d), regarding special education students, or gifted individualized education plan as provided in § 16.32 (relating to GIEP).

(IV) Subject to appropriations provided by law, the cost to validate local assessments shall be evenly divided between the school district, [AVTS] ACTS or charter school, including a cyber charter school, and the Department. If the Department does not provide sufficient funding to meet its share, local assessments submitted for validation shall be deemed valid until a new validation is due to the Department.

(V) The Department will establish a list of entities approved to perform independent validations of local assessments in consultation with the Local Assessment Validation Advisory Committee as provided in § 4.52(f).

(VI) School boards shall only approve assessments that have been determined to meet the requirements of this subsection by an approved entity performing the independent validation. If a school district, [AVTS] ACTS or charter school, including a cyber charter school, uses a local assessment that has not been independently validated, the Secretary will direct the school entity to discontinue its use until the local assessment is approved through independent validation by an approved entity.

[(C) **Completion of an Advanced Placement exam or International Baccalaureate exam that includes academic content comparable to the appropriate Keystone Exam at a score established by the Secretary to be comparable to the proficient level on the appropriate Keystone Exam.**

(d) *Requirements beginning in the 2018-2019 school year.* Effective with the 2018-2019 school year, requirements in subsection (c)(1)(iii) must include a determination of proficiency in English Language Arts (Composition) (Appendix A-2).

(e) *Requirements beginning in the 2019-2020 school year.* Effective with the 2019-2020 school year, Civics and Government (Appendix C) is added to the academic standards in subsection (c)(1)(iii).

The requirements in subsection (c)(1)(iii) must include a determination of proficiency in Civics and Government.

(f) *Career and technical education program students.* A student enrolled in a Department-approved career and technical education program may satisfy the requirements of subsections (d) and (e) upon completion of secondary level coursework in English Language Arts (Literature), Algebra I and Biology, in which a student demonstrates proficiency on the associated Keystone Exam, validated local assessment or project-based assessment, and achieves a score of competent or advanced on a Pennsylvania State Skills Assessment required under § 4.31(a) (relating to vocational-technical education).]

[(g)] (d) *Special education students.* Children with disabilities who satisfactorily complete a special education program developed by an Individualized Education Program team under the Individuals with Disabilities Education Act and this part shall be granted and issued a regular high school diploma by the school district of residence, charter school (including cyber charter school) or [AVTS] ACTS, if applicable. This subsection applies if the special education program of a child with a disability does not otherwise meet the requirements of this chapter.

[(h)] (e) *Demonstration of proficiency.* For purposes of this section, a student shall be deemed proficient in the State-assessed standards whenever the student demonstrates proficiency through any of the options in subsection (c)(1)(iii), regardless of the student's grade level or age.

[(i)] *Transcripts.* Beginning in the 2003-2004 school year, and through the 2012-2013 school year, PSSA scores in each assessed discipline shall be included on student transcripts. Beginning in the 2016-2017 school year, the performance level demonstrated in each of the academic standards in subsections (c)—(e) shall be included on student transcripts. The information presented on a transcript must include the highest performance level demonstrated by a student on the associated Keystone Exam, validated local assessment or project-based assessment at the time the transcript is produced.]

(f) *Transcripts.* The performance level demonstrated by a student in each of the state academic standards, including the highest performance level demonstrated by a student on the associated Keystone Exam, may be included on a student's transcript as determined by each school entity.

[(j)] (g) *Release of scores.* This section does not allow for the release of individual student PSSA or Keystone Exam scores to the Department or other Commonwealth entities in accordance with § 4.51(f) and (g).

[(k)] *Supplemental instruction.* Beginning in the 2011-2012 school year, a] (h) *Supplemental instruction.* A student who does not demonstrate proficiency on a Keystone Exam or a locally validated assessment specified in subsection (c)[, (d) or (e) shall] may be offered supplemental instructional support by the student's school district, [AVTS] ACTS or charter school, including a cyber charter school[. The supplemental instructional support must be consistent with the

student's educational program and assist the student to attain proficiency in the State academic standards] consistent with section 121(c.4) of the Public School Code of 1949 (24 P.S. § 121(c.4)).

[(l)] (i) *Out-of-state transfers.* A school district, [AVTS] ACTS or charter school, including a cyber charter school, shall determine whether a student who transfers from an out-of-State school having demonstrated proficiency in coursework and assessments aligned with the academic standards assessed by each Keystone Exam may satisfy the requirements of [subsections (c)—(e) subject to guidance developed by the Secretary] subsection (c).

[(m)] *Transition.* To effect successful transition between requirements outlined in subsections (b) and (c) regarding requirements through the 2015-2016 school year and requirements beginning in the 2016-2017 school year, subsection (d) regarding requirements beginning in the 2018-2019 school year and subsection (e) regarding requirements beginning in the 2019-2020 school year, a student who will graduate in the 2016-2017 school year or thereafter, who successfully completes courses with academic content assessed under subsection (c), (d) or (e), regarding requirements beginning in the 2016-2017 school year, 2018-2019 school year and 2019-2020 school year for which both the Keystone Exams and local validated assessments were not available at the time the course was completed, shall be deemed proficient for purposes of this section.]

(j) In any year in which the Federal government has waived the testing and accountability requirements of the Elementary and Secondary Education Act, a student shall not be required to take a Keystone Exam for the purpose established in this section and shall be deemed proficient for purposes of this section by meeting the requirements set forth in section 121.1 of the Public School Code of 1949 (24 P.S. § 121.1).

[VOCATIONAL-TECHNICAL] CAREER AND TECHNICAL EDUCATION

§ 4.31. [Vocational-technical education] Career and technical education.

(a) [Vocational-technical] Career and technical education courses shall be developed in the planned instruction format and be accessible to all high school students attending those grades in which [vocational-technical] career and technical education courses are offered. All students and their parents or guardians shall be informed of the students' rights to participate in [vocational-technical] career and technical education programs and courses and that students with disabilities enrolled in the programs are entitled to services under Chapter 14 (relating to special education services and programs). Students who complete approved [vocational-technical] career and technical education programs shall have their occupational competency assessed by completion of the appropriate assessment under the Pennsylvania Skills Certificate Program or by completion of another occupational competency assessment approved by the Department. A student with a disability shall be provided appropriate accommodations when provided for in the student's individualized education program. Stu-

dents shall also demonstrate proficiency in meeting academic standards as required under § 4.24 (relating to high school graduation requirements), including § 4.12(f) (relating to academic standards) and [§ 4.24(g)] § 4.24(d) for students with disabilities with an individualized education program.

(b) [Vocational-technical] Career and technical education courses may be taught at [AVTSs] ACTSs or other high schools.

(c) [Vocational-technical] Career and technical education programs must consist of a series of planned academic and [vocational-technical] career and technical education courses that are articulated with one another so that knowledge and skills are taught in a systematic manner. When appropriate, [vocational-technical] career and technical education programs must adopt, in program areas for which they are available, industry recognized skills standards and may also include cooperative [vocational-technical] career and technical education and participation in [vocational] career and technical student organizations to develop leadership skills.

(d) [Vocational-technical] Career and technical education courses must include content based upon occupational analysis, clearly stated performance objectives deemed critical to successful employment and assessment of student competencies based upon performance standards.

(e) The record of a student enrolled in a [vocational-technical] career and technical education program must include the student's educational and occupational objectives and the results of the assessment of student competencies under subsection (d).

(f) Safety education, consisting of safety practices, accident prevention, occupational health habits and environmental concerns shall be integrated into the instruction and practices in [vocational-technical] career and technical education programs.

(g) School districts and [AVTSs] ACTSs administering [vocational-technical] career and technical education programs shall develop written policies regarding admissions. Course announcements, guidance materials and other communications must convey the philosophy of equal access to students considering enrolling in [AVTSs] ACTSs and include a description of admissions policies. The policies must assure that when admissions to [AVTSs] ACTSs must be limited, the admissions shall be on a nondiscriminatory basis.

§ 4.32. Standards and reports.

(a) The Secretary is responsible for the promulgation of standards appropriate for implementing § 4.31 (relating to [vocational-technical] career and technical education). Present standards, to the extent that they are inconsistent, are superseded by this chapter.

(b) The Secretary will report annually to the Board on the status of [vocational-technical] career and technical education programs, including tech-prep and apprenticeship programs. Reports will include numbers and types of programs, numbers of students, post-program status of students, Statewide competency standards and assessment information.

§ 4.33. Advisory committees.

(a) A school district or [AVTS] ACTS administering or planning to administer [vocational-technical] career and technical education programs shall appoint a local advisory committee. Membership on the committee shall consist of business and industry representatives, public sector employers, agriculture, labor organizations, community organizations, postsecondary education institutions and the general public. The appointed advisory committee shall meet at least once each year and give advice to the board and the administration concerning the program of the school, including its general philosophy, academic and other standards, course offerings, support services, safety requirements and the skill needs of employers. An advisory committee may serve multiple institutions where employment areas overlap.

(b) An administrative committee, composed of chief school administrators representing participating school districts, shall be included in the organization of each [AVTS] ACTS. The committee shall advise the [AVTS] ACTS board and the administration concerning the educational program and policies of the school.

(c) An occupational advisory committee shall be established for each [vocational-technical] career and technical education program or cluster of related programs offered by a school district or [AVTS] ACTS. The committee shall be appointed by the board of directors, and a majority of the members of the committee shall be employees and employers in the occupation for which training is provided. The committee shall meet at least twice each year to advise the board, administration and staff on curriculum, equipment, instructional materials, safety requirements, program evaluation and other related matters and to verify that the programs meet industry standards and, if appropriate, licensing board criteria and that they prepare students with occupation related competencies.

§ 4.34. Programs and equipment.

(a) A satellite [vocational-technical] career and technical education program may be operated by an [AVTS] ACTS board in conformity with a memorandum of understanding adopted with the participating school district's board of school directors.

(b) Certified guidance personnel in each secondary school and [AVTS] ACTS shall be assigned responsibility to provide pupils with [vocational-technical] career and technical education guidance services.

(c) Equipment will be deemed appropriate if it is compatible, insofar as practical, to that used in occupations or households for which [vocational-technical] career and technical education is provided.

§ 4.35. [AVTSs] ACTSs.

(a) [AVTS] ACTS attendance areas shall conform to the plan of the State Board [for Vocational] of Career and Technical Education. Boards of school directors may petition the State Board [for Vocational] of Career and Technical Education for attendance area assignment or reassignment.

(b) The following provisions apply to the establishment of [AVTSs] ACTSs:

(1) Where more than one district constitutes an attendance area, the appropriate intermediate unit may, and

upon the request of any school district shall, call for an election by the boards of school directors within the attendance area to determine if an [AVTS] ACTS shall be established.

(2) A school district within the attendance area may elect to participate in the establishment of the [AVTS] ACTS.

(3) Where a single school district constitutes an attendance area, the board of school directors of that district may establish and operate [AVTSs] ACTSs and be considered an [AVTS] ACTS board.

(c) The following provisions apply to articles of agreement for the establishment and operation of [AVTSs] ACTSs:

(1) The boards of school directors of the school districts electing to participate in the [AVTS] ACTS shall enter into a written agreement setting forth rights and obligations of the participating school districts.

(2) No change will be made in the articles of agreement under paragraph (1) without the consent of each participating school district by the affirmative vote of each board of school directors.

(3) No school district may withdraw from the articles of agreement under paragraph (1) without the consent of each participating school district.

ASSESSMENT

§ 4.51. State assessment system.

(a) The State assessment system shall be designed to serve the following purposes:

(1) Provide students, parents, educators and citizens with an understanding of student and school performance consistent with the No Child Left Behind Act of 2001 (Pub.L. No. 107-110, 115 Stat. 1425).

(2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).

(3) Provide information to State policymakers, including the General Assembly and the Board, on how effective schools are in promoting and demonstrating student proficiency of academic standards.

(4) Provide information to the general public on school performance.

(5) Provide results to school entities based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP.

(6) Assess student proficiency in the Academic Standards for English Language Arts (Appendix A-2), Mathematics (Appendix A-2), Science and [**Technology and**] Environment and Ecology [(Appendix B)] and **Technology and Engineering (Appendix B-1)** and Civics and Government (Appendix C) for the purpose of determining, in part, a student's eligibility for high school graduation.

(b) The State assessment system must include PSSA assessments and Keystone Exams.

(c) Neither State assessments nor academic standards under § 4.12 may require students to hold or express particular attitudes, values or beliefs.

(d) The Department will make samples of State assessment questions, assessment formats and scoring guides available to the public after each administration of State assessments.

(e) To ensure that information regarding student performance is available to parents and teachers, State assessments developed under this section must include student names.

(f) Individual assessment results shall be used in planning instruction only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress.

(g) The Department and other Commonwealth entities are prohibited from collecting individual student test scores and may collect only aggregate test scores by school and district.

(h) The Board will authorize the expansion of the State assessment system through a revision of this chapter.

(1) The Board will not include National assessments as part of the State assessment system unless, upon consultation with teachers, counselors and parents representing students who have been identified under Chapter 14 (relating to special education services and programs), the Board determines the assessment is an appropriate means of assessing the academic progress of students identified under Chapter 14, or unless the General Assembly authorizes the use of a National assessment.

(2) Subject to paragraph (3), the Board will not, and the Department may not, be a governing state in any consortium for the development of a National assessment for the purpose of utilization as part of the State assessment system.

(3) The Department may continue to participate in a consortium to develop an alternate assessment to measure the academic progress of students identified under Chapter 14.

(i) The Department will implement provisions for security of the State assessment system, including the following:

(1) Action by a professional employee or commissioned officer that is willfully designed to divulge test questions, falsify student scores or in some other fashion compromise the integrity of the State assessment system as determined by the school district, [AVTS] ACTS or charter school, including a cyber charter school, shall be subject to disciplinary action under the Educator Discipline Act (24 P.S. §§ 2070.1a—2070.18c).

(2) Cheating by students or employees other than those covered in paragraph (1) shall be subject to disciplinary action by the school district, [AVTS] ACTS or charter school, including a cyber charter school.

(3) Cheating or breaches of assessment security shall be reported to the Secretary as soon as detected.

(j) The Secretary is authorized to establish guidelines for the administration of the State assessment system.

(k) The Secretary will report each September to the Board and the General Assembly information and pertinent data regarding the State assessment system. The Secretary also will provide each school entity information and pertinent data for the school entity and its students.

(l) Children with disabilities and children with limited English proficiency shall be included in the State assessment system as required by Federal law, with appropriate

accommodations when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the PSSA or Keystone Exams as determined by each child's individualized education program team under the Individuals with Disabilities Education Act and this part.

§ 4.51a. Pennsylvania System of School Assessment.

(a) All PSSA assessments administered in English Language Arts, Mathematics, and Science [**and Technology and**], Environment [**and**], Ecology, **Technology and Engineering** will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. The criteria for judging performance on PSSA assessments are as follows:

(1) Performance on PSSA English Language Arts assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages, by their written responses to in-depth comprehension questions about the passages and by the quality of their written compositions on a variety of topics and modes of writing.

(2) Performance on PSSA mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions that require a written solution to a problem.

(3) Performance on PSSA science assessments shall be demonstrated by students' responses to grade appropriate content and by the quality of their responses to questions that demonstrate knowledge of each category of the standards for science [**and technology and**], environment [**and**], ecology, **technology and engineering**.

(4) Performance levels shall be advanced, proficient, basic and below basic. In consultation with educators, students, parents and citizens, the Department will develop and recommend to the Board for its approval specific criteria for advanced, proficient, basic and below basic levels of performance.

(b) The Department will develop or cause to be developed PSSA assessments based on Pennsylvania Core Standards in Mathematics and English Language Arts under § 4.12 (relating to academic standards) and contained in Appendix A-2 and academic standards in Science [**and Technology and**], Environment [**and**], Ecology, **Technology and Engineering** under § 4.12 and contained in [**Appendix B**] **Appendix B-1**. In developing PSSA assessments, the Department will consult with educators, students, parents and citizens regarding the specific methods of assessment.

(c) The PSSA assessments shall be administered annually and include assessments of the State academic standards in Mathematics and English Language Arts at grades 3 through 8, and in Science [**and Technology and**], Environment [**and**], Ecology, **Technology and Engineering** at grades 4 and 8.

§ 4.51b. Keystone Exams.

(a) The Department will develop or cause to be developed Keystone Exams as provided in this subsection. (This subsection is intended by the Board to be a continuation of § 4.51(f) (relating to State assessment system) as published at 40 Pa.B. 240 (January 9, 2010) and referenced in section 102 of the School Code (24 P.S. § 1-102).)

(1) [**Three assessments**] **One assessment** aligned with the Mathematics standards, contained in Appendix A-2, that [**assess**] **assesses** the academic content traditionally included in an Algebra I [**, Algebra II and Geometry courses**] **course**.

(2) [**Two assessments**] **One assessment** aligned with select English Language Arts standards, contained in Appendix A-2 that [**assess**] **assesses** academic content traditionally included in a high school literature [**and composition courses**] **course**.

[(3) **Three assessments aligned with select History and Civics and Government standards, contained in Appendix C, that assess content traditionally included in high school level American History, World History and Civics and Government courses.**]

[(4) **Two assessments**] (3) **One assessment** aligned with select standards for Science [**and Technology and**], Environment and Ecology, contained in [**Appendix B**] **Appendix B-1**, that [**assess**] **assesses** academic content traditionally included in a high school level Biology [**and Chemistry courses**] **course**.

(b) Keystone Exams shall be offered at least three times each year: once each in the fall, spring and summer.

(c) Keystone Exams shall be administered, reviewed and scored so that scores for candidates for graduation are provided to schools no later than 10 calendar days prior to graduation. A school district, [**AVTS**] **ACTS** or charter school, including a cyber charter school, may request the Department to approve alternative test administration and scoring time frames. The Department will publish guidelines and procedures for approving alternative test administration and scoring time frames on its web site. The guidelines will provide for approval of all requests unless the approval is contrary to standards of test validity and scoring.

(d) A student shall be permitted to retake any Keystone Exam, or Keystone Exam module, in which the student did not score proficient or above at the next available testing date [**, so long as the student has participated in a satisfactory manner in supplemental instruction as provided under § 4.24(k) (relating to high school graduation requirements) and subsection (f)**]. There is not a limit on the number of times a student who did not score proficient on a Keystone Exam is permitted to retake the Keystone Exam or Keystone Exam module. A student who has achieved a score of proficient or advanced on a Keystone Exam [**is not permitted to retake the exam**] **shall be permitted to retake a Keystone Exam only if the student or parent submits a request in writing to the school entity**.

(e) Each Keystone Exam will be designed in modules that reflect distinct, related academic content that is common to the traditional progression of coursework to allow students who do not score proficient or above to retake those portions of the test in which they did not score proficient or above.

(f) A student taking Keystone Exams, or Keystone Exam modules, who did not score proficient on a Keystone Exam, or Keystone Exam module, [**shall**] **may** be provided supplemental instruction consistent with the

student's educational program by the student's school district, **[AVTS] ACTS** or charter school, including a cyber charter school, **[until the student can demonstrate proficiency in the subject area or the student begins a project-based assessment provided in § 4.51c (relating to project-based assessment)] consistent with section 121(c.4) of the Public School Code.**

(g) Performance levels for Keystone Exams shall be set at the advanced, proficient, basic and below basic levels. In consultation with the Performance Level Advisory Committee, the Department will develop and recommend to the Board for its approval performance level descriptors and performance level cut scores for the Keystone Exams and any alternative assessments developed to assess students with disabilities as permitted by the No Child Left Behind Act of 2001 (Pub.L. No. 107-110, 115 Stat. 1425). The Department will use widely-accepted psychometric procedures to establish the cut scores. Cut scores shall be presented at a public meeting of the Board for its review at least 2 weeks prior to scheduled Board action on the cut scores.

(h) The Department will provide guidance to school districts, **[AVTSs] ACTSs** and charter schools, including cyber charter schools, as to the appropriate accommodations school entities shall provide to students with disabilities, students who are gifted and English language learners, when appropriate. (i) Beginning in the 2012-2013 school year, Keystone Exams in the following subjects will be developed by the Department and made available for use by school districts, **[AVTSs] ACTSs** and charter schools, including cyber charter schools, for the purpose of assessing high school graduation requirements in § 4.24(c)(1)(iii):

Algebra I
Literature
Biology

[(j) Subject to funding appropriated by the General Assembly for development of the exams and related project-based assessments and validation of related local assessments, Keystone Exams in the following subjects will be developed by the Department and made available for use by school districts, AVTSs and charter schools, including cyber charter schools, for the purpose of assessing high school graduation requirements in § 4.24(c)(1)(iii) in accordance with the following schedule:

School Year 2015-2016 English Composition

School Year 2016-2017 Civics and Government

(1) During the 2014-2015 school year, school districts, AVTSs and charter schools, including cyber charter schools, shall administer the Keystone Exam in English Composition for the purpose of gathering data to set performance level cut scores for the exam.

(2) During the 2015-2016 school year, school districts, AVTSs and charter schools, including cyber charter schools, shall administer the Keystone Exam in Civics and Government for the purpose of gathering data to set performance level cut scores for the exam.

(k) Subject to funding appropriated by the General Assembly for development of the exams, Keystone Exams in the following subjects will be devel-

oped by the Department and made available for voluntary use by school districts, AVTSs and charter schools, including cyber charter schools, in accordance with the following schedule:

School Year 2016-2017 Geometry

School Year 2017-2018 U.S. History

School Year 2018-2019 Algebra II

School Year 2019-2020 Chemistry

School Year 2020-2021 World History]

[(l)] (j) The Department will seek to have the Keystone Exams approved as the high school level single accountability system under the No Child Left Behind Act of 2001 **or its successor Federal statute. [Upon approval by the United States Department of Education, the Algebra I and Literature exams will be used to determine adequate yearly progress at the high school level. The Biology Keystone Exam will be used as the high school level science assessment, which is not a factor in determining adequate yearly progress.]** If the Keystone Exams receive approval as the high school level accountability measure, school districts, **[AVTSs] ACTSs** and charter schools, including cyber charter schools, shall administer the Literature, Algebra I and Biology exams as end-of-course tests in the grade level in which students complete the relevant coursework.

[(m)] (k) The 11th grade PSSA exams in Reading, Writing, Math and Science shall be discontinued upon implementation of the Keystone Exams as the approved assessment system under section 1111(b)(2)(C) of the No Child Left Behind Act of 2001 (20 U.S.C.A. § 6311(b)(2)(C)).

[(n)] (l) At least once every 5 years, the Department will contract with a qualified, independent research organization to perform a validity study of the Keystone Exams using generally accepted education research standards. These studies will determine, at a minimum, the degree to which the Keystone Exams and performance level cut scores are valid for the purposes for which they are used; aligned with State academic standards; aligned with performance levels of other states; internationally benchmarked; and predict college and career success. In addition, all Keystone Exams, performance level descriptors and cut scores will be subject to the best available forms of content, criterion and consequential validation.

[(o)] (m) The Department will establish a State Assessment Validation Advisory Committee (Committee). The Committee will advise the Department on its plans to conduct the validity study and review and provide feedback on its findings.

[(p)] (n) The Department and the Committee will investigate the use of a certificate based on industry approved standards and performance on an NOCTI exam as an alternative pathway to graduation and will make a report and recommendation to the Board by January 10, 2011.

§ 4.51c. Project-based assessment.

(a) The Department will develop a project-based assessment system that is aligned with the modules for the Keystone Exams in Literature, Algebra I, **and** Biology, **Composition, and Civics and Government for students who are unable to demonstrate proficiency on a Keystone Exam or Keystone Exam module, or if § 4.4(d)(4) (relating to general policies) applies]**.

School entities may utilize project-based assessments for students consistent with section 121(c.5) of the Public School Code of 1949 (24 P.S. § 121(c.5)).

[(b) The project-based assessment system shall be administered by schools and scored by State-wide panels composed of teachers, principals and curriculum specialists assembled by the Department. The Statewide review panels shall score student projects according to scoring protocols and rubrics developed by the Department.

(c) A student in grade 12 who has not demonstrated proficiency on a Keystone Exam or Keystone Exam module may qualify to participate in one or more project-based assessments if the student has met the following conditions:

(1) Has taken the course.

(2) Has met the attendance requirements of the school district, AVTS or charter school, including a cyber charter school.

(3) Has participated in a satisfactory manner in supplemental instructional services consistent with the student's educational program provided by the school district, AVTS or charter school, including a cyber charter school, as provided under §§ 4.24(k) and 4.51b(f) (relating to high school graduation requirements; and Keystone Exams).

(d) A student below grade 12 who has not demonstrated proficiency on a Keystone Exam or Keystone Exam module after at least two attempts on the exam or module may qualify to participate in one or more project-based assessments if the student has met the following conditions:

(1) Has taken the course.

(2) Has met the attendance requirements of the school district, AVTS or charter school, including a cyber charter school.

(3) Has participated in a satisfactory manner in supplemental instructional services consistent with the student's educational program provided by the school district, AVTS or charter school, including a cyber charter school, as provided under §§ 4.24(k) and 4.51b(f).

(e) A student to whom § 4.4(d)(4) applies may qualify to participate in one or more project-based assessments if the student has met the following conditions:

(1) Has taken the course.

(2) Has met the attendance requirements of the school district, AVTS or charter school, including a cyber charter school.

(f) Successful completion of a project-based assessment aligned to the Keystone Exam or Keystone Exam module on which a student did not demonstrate proficiency shall satisfy the requirements that students achieve proficiency on the Keystone Exams in § 4.24.

(g) A student enrolled in a Department-approved career and technical education program who has not demonstrated proficiency on a Keystone Exam or Keystone Exam module in Biology may qualify to participate in a project-based assessment in Biology if the student has met the following conditions:

(1) Has taken the course.

(2) Has met the attendance requirements of the school district, AVTS or charter school, including a cyber charter school.]

§ 4.51d. Waivers.

A chief school administrator, in his sole discretion, may waive the requirements in § 4.24 (relating to high school graduation requirements) [on a case-by-case basis for good cause. Waivers may be granted for a student in grade 12 who was not successful in completing a project-based assessment as provided in § 4.51c (relating to project-based assessment), or to accommodate a student who experiences extenuating circumstances (including serious illness, death in immediate family, family emergency, frequent transfers in schools or transfer from an out-of-State school in grade 12).

(1) Prior to granting a waiver, a chief school administrator shall certify that the student meets the following criteria:

(i) Has met the local requirements of the school district, AVTS or charter school, including a cyber charter school, for graduation, except for demonstration of proficiency of the requirements in § 4.24(c)(1)(iii)(A) for which the waiver is being requested.

(ii) Has not demonstrated proficiency on a Keystone Exam or Keystone Exam module.

(iii) If the student is required to participate in supplemental instruction under § 4.24(k) and § 4.51b(f) (relating to Keystone Exams), has participated in a satisfactory manner in supplemental instructional services consistent with the student's educational program provided by the school district, AVTS or charter school, including a cyber charter school.

(iv) Has not successfully completed a project-based assessment aligned to the Keystone Exam or Keystone Exam module on which the student did not demonstrate proficiency.

(2) If a chief school administrator is considering granting waivers for more than 10% of students in the graduating class of a school district, AVTS or charter school, including a cyber charter school, because the students were not successful in completing a project-based assessment as provided in § 4.51c, the chief school administrator shall submit an action plan for approval by the Secretary no later than 10 calendar days prior to graduation. The action plan must identify improvements the school district, AVTS or charter school, including a cyber charter school, will implement to each course associated with the Keystone Exam content for which the waivers were granted.] consistent with section 121(c.3) of the Public School Code of 1949 (24 P.S. § 121(c.3)).

[(3)] (1) The chief school administrator of each school district, [AVTS] ACTS and charter school, including a cyber charter school, shall annually report to the Department the number of waivers granted to students in the most recent graduating class consistent with section 121(c.11)(6) of the Public School Code of 1949 (24 P.S. § 121(c.11)(6)), and the Department will annually report to the Board the number of waivers granted by

each school district, [AVTS] ACTS and charter school, including a cyber charter school.

[(4)] (2) The waiver process described in this section does not confer an individual right on any student.

[(5)] (3) The decision of a chief school administrator concerning a waiver request is not an adjudication.

[(6) Disapproval of the action plan required under paragraph (2) does not confer an individual right on any student relative to a waiver determination made by a chief school administrator.]

§ 4.52. Local assessment system.

* * * * *

(e) Children with disabilities shall be included in the local assessment system, with appropriate accommodations, when necessary. As appropriate, the school district, including a charter school, including a cyber charter school, or [AVTS] ACTS shall develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the local assessment as determined by each child’s Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

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

APPENDIX B-1

Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K—5)^{1,2}

Kindergarten

Earth and Space Sciences

Earth and Human Activity

1. Use a model to represent the relationship between the needs of different plants or animals (including humans) and the places they live.
2. Ask questions to obtain information about the purpose of weather forecasting to prepare for, and respond to, severe weather.
3. Communicate solutions that will reduce the impact of humans on the land, water, air, and/or other living things in the local environment.

Earth’s Systems

1. Use observations of local weather conditions to describe patterns over time.

¹ Across grades K—5, all of the core ideas in Table 1 are covered, but not every discipline or core idea is reflected at every grade.

² The language of the standards is adapted, informed by or taken from the: National Research Council. (2012). A framework for K—12 science education: Practices, crosscutting concepts, and core ideas. North American Association for Environmental Education (2019) K—12 environmental education: Guidelines for excellence; International Society for Technology in Education Standards. (2019). ISTE standards for students; International Technology and Engineering Educators Association (ITEEA) (2020); NGSS Lead States. (2013). Next generation science standards: For states, by states; Standards for technological and engineering literacy: The role of technology and engineering in STEM education. National Council for Agricultural Education. (2015); International Society for Technology in Education. (2019). ISTE Standards for students. Agriculture, food and natural resources (AFNR) career cluster content standards; Pennsylvania State Board of Education. (2002). Academic standards for science and technology; Pennsylvania Department of Education. (2002). Safety guidelines for elementary and technology education teachers; Pennsylvania Department of Education. (n.d.). Pennsylvania career ready skills continuum; Standards for Technological and Engineering Literacy. (2020); Pennsylvania Association for Environmental Educators. (September 2015). Pennsylvania environmental literacy plan Pennsylvania State Board of Education. (2002). Academic standards for environment and ecology. North American Association for Environmental Education. (2014). State environmental literacy plans: 2014 status report.

2. Construct an argument supported by evidence for how plants and animals (including humans) can change the environment to meet their needs.

Life Science

From Molecules to Organisms: Structures and Processes

1. Use observations to describe patterns of what plants and animals (including humans) need to survive.

Physical Science

Motion and Stability: Forces and Interactions

1. Plan and conduct an investigation to compare the effects of different strengths or different directions of pushes and pulls on the motion of an object.
2. Analyze data to determine if a design solution works as intended to change the speed or direction of an object with a push or a pull.

Energy

1. Make observations to determine the effect of sunlight on Earth’s surface.
2. Use tools and materials to design and build a structure that will reduce the warming effect of sunlight on an area.

Grade 1

Earth and Space Sciences

Earth’s Place in the Universe

1. Use observations of the sun, moon, and stars to describe patterns that can be predicted.
2. Make observations at different times of year to relate the amount of daylight to the time of year.

Life Science

From Molecules to Organisms: Structures and Processes

1. Use materials to design a solution to a human problem by mimicking how plants and/or animals use their external parts to help them survive, grow, and meet their needs.

2. Read texts and use media to determine patterns in behavior of parents and offspring that help offspring survive.

Heredity: Inheritance and Variation of Traits

1. Make observations to construct an evidence-based account that young plants and animals are like, but not exactly like, their parents.

Physical Science

Waves and Their Applications in Technologies for Information Transfer

1. Plan and conduct investigations to provide evidence that vibrating materials can make sound and that sound can make materials vibrate.

2. Make observations to construct an evidence-based account that objects can be seen only when illuminated.

3. Plan and conduct an investigation to determine the effect of placing objects made with different materials in the path of a beam of light.

4. Use tools and materials to design and build a device that uses light or sound to solve the problem of communicating over a distance.

Grade 2**Earth and Space Sciences*****Earth's Place in the Universe***

1. Use information from several sources to provide evidence that Earth events can occur quickly or slowly.

Earth's Systems

1. Compare multiple solutions designed to slow or prevent wind or water from changing the shape of the land.

2. Develop a model to represent the shapes and kinds of land and bodies of water in an area.

3. Obtain information to identify where water is found on Earth and that it can be solid or liquid.

Life Science***Ecosystems: Interactions, Energy, and Dynamics***

1. Plan and conduct an investigation to determine if plants need sunlight and water to grow.

2. Develop a simple model that mimics the function of an animal in dispersing seeds or pollinating plants.

Biological Evolution: Unity and Diversity

1. Make observations of plants and animals to compare the diversity of life in different habitats.

Matter and its Interactions

1. Plan and conduct an investigation to describe and classify different kinds of materials by their observable properties.

2. Analyze data obtained from testing different materials to determine which materials have the properties that are best suited for an intended purpose.

3. Make observations to construct an evidence-based account of how an object made of a small set of pieces can be disassembled and made into a new object.

4. Construct an argument with evidence that some changes caused by heating or cooling can be reversed and some cannot.

Grade 3**Earth and Space Sciences*****Earth's Systems***

1. Represent data in tables and graphical displays to describe typical weather conditions expected during a particular season.

2. Obtain and combine information to describe climates in different regions of the world.

Earth and Human Activity

1. Make a claim supported by evidence about the merit of a design solution that reduces the impacts of a weather-related hazard.

Life Science***From Molecules to Organisms: Structures and Processes***

1. Develop models to describe that organisms have unique and diverse life cycles but all have in common birth, growth, reproduction, and death.

Ecosystems: Interactions, Energy, and Dynamics

1. Construct an argument that some animals have physical and behavioral adaptations that help members survive.

Heredity: Inheritance and Variation of Traits

1. Analyze and interpret data to provide evidence that plants and animals have traits inherited from parents and that variation of these traits exists in a group of similar organisms.

2. Use evidence to support the explanation that traits can be influenced by the environment.

Biological Evolution: Unity and Diversity

1. Analyze and interpret data from fossils to provide evidence of the organisms and the environments in which they lived long ago.

2. Use evidence to construct an explanation for how the variations in characteristics among individuals of the same species may provide advantages in surviving, finding mates, and reproducing.

3. Construct an argument with evidence that in a particular habitat some organisms can survive well, some survive less well, and some cannot survive at all.

4. Make a claim supported by evidence about the merit of a solution to a problem caused when the environment changes and the types of plants and animals that live there may change.

Physical Science***Motion and Stability: Forces and Interactions***

1. Plan and conduct an investigation to provide evidence of the effects of balanced and unbalanced forces on the motion of an object.

2. Make and communicate observations and/or measurements of an object's motion to provide evidence that a pattern can be used to predict future motion.

3. Ask questions to determine cause and effect relationships of electric or magnetic interactions between two objects not in contact with each other.

4. Define a simple design problem that can be solved by applying scientific ideas about magnets.

Grade 4**Earth and Space Sciences*****Earth's Place in the Universe***

1. Identify evidence from patterns in rock formations and fossils in rock layers to support an explanation for changes in a landscape over time.

Earth's Systems

1. Make observations and/or measurements to provide evidence of the effects of weathering or the rate of erosion by water, ice, wind, or vegetation.

2. Analyze and interpret data from maps to describe patterns of Earth's features.

Earth and Human Activity

1. Obtain and combine information to describe that energy and fuels are derived from natural resources and their uses affect the environment.

2. Generate and compare multiple solutions to reduce the impacts of natural Earth processes on humans.

Life Science***From Molecules to Organisms: Structures and Processes***

1. Construct an argument that plants and animals have internal and external structures that function to support survival, growth, behavior, and reproduction.

2. Use a model to describe that animals receive different types of information through their senses, process the information in their brain, and respond to the information in different ways.

Physical Science

Waves and Their Applications in Technologies for Information Transfer

1. Develop a model of waves to describe patterns in terms of amplitude and wavelength and that waves can cause objects to move.

2. Develop a model to describe that light reflecting from objects and entering the eye allows objects to be seen.

3. Generate and compare multiple solutions that use patterns to transfer information.

Energy

1. Use evidence to construct an explanation relating the speed of an object to the energy of that object.

2. Make and communicate observations to provide evidence that energy can be transferred from place to place by sound, light, heat, and electric currents.

3. Ask questions and predict outcomes about the changes in energy that occur when objects collide.

4. Apply scientific ideas to design, test, and refine a device that converts energy from one form to another.

Grade 5

Earth and Space Sciences

Earth's Place in the Universe

1. Support an argument that differences in the apparent brightness of the sun compared to other stars is due to their relative distances from Earth.

2. Represent data in graphical displays to reveal patterns of daily changes in length and direction of shadows, day and night, and the seasonal appearance of some stars in the night sky.

Earth's Systems

1. Develop a model using an example to describe ways the geosphere, biosphere, hydrosphere, and/or atmosphere interact.

2. Describe and graph the amounts and percentages of water and fresh water in various reservoirs to provide evidence about the distribution of water on Earth.

Earth and Human Activity

1. Obtain and combine information about ways individual communities use science ideas to protect the Earth's resources and environment.

2. Generate and design possible solutions to a current environmental issue, threat, or concern.

Life Science

From Molecules to Organisms: Structures and Processes

1. Support an argument that plants get the materials they need for growth chiefly from air and water.

Ecosystems: Interactions, Energy, and Dynamics

1. Develop a model to describe the movement of matter among plants, animals, decomposers, and the environment.

Physical Science

Matter and Its Interactions

1. Develop a model to describe that matter is made of particles too small to be seen.

2. Measure and graph quantities to provide evidence that regardless of the type of change that occurs when heating, cooling, or mixing substances, the total weight of matter is conserved.

3. Make and communicate observations and measurements to identify materials based on their properties.

4. Conduct an investigation to determine whether the mixing of two or more substances results in new substances.

5. Interpret and analyze data and observations to make decisions about how to utilize materials based on their properties.

Motion and Stability: Forces and Interactions

1. Support an argument that the gravitational force exerted by Earth on objects is directed down.

Energy

1. Use models to describe that energy in animals' food (used for body repair, growth, motion, and to maintain body warmth) was once energy from the sun.

Standards by Grade Band

Grades K—2: Environment and Ecology

Decision-Making and Action Skills

1. Examine and express their own views on environmental issues.

2. Determine whether action is needed on selected environmental issues and whether they should be involved. They describe their reasoning.

3. Develop an action strategy or design solution for a specific local environmental issue of their choosing.

4. Identify environmental and social consequences of design solutions and civic actions, including their own actions.

Personal and Civic Responsibility

1. Describe their basic rights and responsibilities as members of a community and the importance of these rights and responsibilities in promoting environmental quality and community well-being.

2. Describe how they can realistically and meaningfully contribute to their community and environmental quality.

3. Identify ways in which they are responsible for the environmental and social effects of their actions.

Earth's Physical and Living System

1. Describe characteristics of Earth's physical systems, including air, water, and land. They explain how these systems interact with one another and identify changes in the physical environment over time. They provide examples of how physical systems affect living organisms, including humans.

2. Identify basic similarities and differences among a wide variety of living organisms. They explain ways that living organisms, including humans, affect the environment in which they live, and how their environment affects them.

Human Systems

1. Generate examples of how people act, as individuals, as members of a group, and as members of society, toward the environment. They articulate their own beliefs and the beliefs of family and community members about the environment and environmental issues.

2. Identify ways that people express different cultural backgrounds and how these can influence environmental perceptions and activities.

Environment and Society

1. Identify ways that people depend on, change, and are affected by the environment.

2. Describe ways people harvest, re-distribute, and use natural resources.

3. Identify ways that places differ in their physical and human characteristics.

4. Recognize that change is a normal part of individual and societal life.

Skills for Analyzing and Investigating Environmental Issues

1. Identify and investigate issues in their local environment and community.

2. Use their knowledge of how ecological and human systems are interconnected to describe the environmental and social consequences of local environmental issues.

3. Develop plans, including possible design solutions, for addressing selected local environmental issues.

4. Demonstrate openness and receptivity while listening to and working with others who have perspectives about the environment that are different from their own.

Grades K—2: Technology and Engineering**Applying, Maintaining, and Assessing Technological Products and Systems**

1. Analyze how things work.
2. Identify and use everyday symbols.
3. Describe qualities of everyday products.

Core Concepts of Technology and Engineering

1. Illustrate how systems have parts or components that work together to accomplish a goal.

2. Safely use tools to complete tasks.

3. Explain that materials are selected for use because they possess desirable properties and characteristics.

4. Develop a plan to complete a task.

5. Collaborate effectively as a member of a team.

Design in Technology and Engineering Education

1. Apply design concepts, principles, and processes through play and exploration.

2. Demonstrate that designs have requirements.

3. Explain that design is a response to wants and needs.

4. Discuss that all designs have different characteristics that can be described.

5. Illustrate that there are different solutions to a design and that none are perfect.

6. Demonstrate essential skills of the engineering design process.

7. Apply skills necessary for making in design.

History of Technology

1. Discuss how the way people live and work has changed throughout history because of technology.

Impacts of Technology

1. Explain ways that technology helps with everyday tasks.

2. Illustrate helpful and harmful effects of technology.

3. Compare simple technologies to evaluate their impacts.

4. Select ways to reduce, reuse, and recycle resources in daily life.

5. Design new technologies that could improve their daily lives.

Influence of Society on Technological Development

1. Explain the needs and wants of individuals and societies.

2. Explore how technologies are developed to meet individual and societal needs and wants.

3. Investigate the use of technologies in the home and community.

Integration of Knowledge, Technologies, and Practices

1. Apply concepts and skills from technology and engineering activities that reinforce concepts and skills across multiple content areas.

2. Draw connections between technology and human experiences.

Nature and Characteristics of Technology and Engineering

1. Compare the natural world and human-made world.

2. Explain the tools and techniques that people use to help them do things.

3. Demonstrate that creating can be done by anyone.

4. Discuss the roles of scientists, engineers, technologists and others who work with technology.

Grades 3—5: Environment and Ecology**Decision-Making and Action Skills**

1. Identify, justify, and clarify their views on environmental issues and alternative ways to address them.

2. Evaluate whether action is needed in specific situations, using environmental, cultural/social, and economic criteria. They decide whether they should be involved in that action.

3. Use their research results to develop action strategies and design solutions at levels consistent with their maturity and preparation. As appropriate, they implement their plans.

4. Analyze the effects of design solutions, their own civic actions, and actions taken by other individuals and groups. They describe the short- and long-term effects of these actions and design solutions in terms of environmental, social, and economic consequences.

Personal and Civic Responsibility

1. Explain the rights and responsibilities of community membership and their role in addressing environmental quality and sustainability.

2. Possess a realistic self-confidence in their effectiveness as community members to make changes in their community that address environmental quality and sustainability.

3. Describe the broad environmental, social, and economic consequences of their personal and group actions and as appropriate, accept responsibility for their actions.

Earth's Physical and Living Systems

1. Describe the physical processes that shape Earth, including weather, climate, plate tectonics, and the hydrologic cycle. They explain how matter cycles and energy flows among the abiotic and biotic components of the environment. They describe how humans affect and are affected by Earth's physical systems.

2. Describe how living things, including humans, are dependent on their environment and are adapted to live in particular ecosystems under particular environmental conditions. They describe major interactions among organisms and populations of organisms and explain the importance of biodiversity to ecosystem health. They describe how humans affect and are affected by the biosphere.

Human Systems

1. Explain ways that individual traits and group membership or affiliation influence perceptions of and actions toward the environment. They describe how their environmental beliefs and values are shaped by their community and the larger society. They compare their beliefs and values to those held by others in their community.

2. Describe examples of the interconnection between cultural perspectives and the environment.

3. Describe how political systems at varying scales account for, manage, and affect natural resources and environmental quality.

4. Describe how economic systems and economic decision-making influence natural resource use and management as well as environmental and human well-being.

Environment and Society

1. Describe human-caused changes that affect the immediate environment as well as other places, other people and future times.

2. Explain that uneven geographic distribution of natural resources influences their use and perceived value.

3. Describe the meaning of "place" both close to home and around the world.

4. Explain that human social systems are dynamic and that conflicts sometimes arise over differing and changing viewpoints about the environment and natural resource use and management.

Skills for Analyzing and Investigating Environmental Issues

1. Use primary and secondary sources of information and apply research and analytical skills to investigate environmental issues, beginning in their own community and region.

2. Apply their knowledge of ecological and human processes and systems to describe the short- and long-term consequences of selected environmental issues on sustainability.

3. Identify and develop action strategies, including design solutions, appropriate for addressing a range of environmental issues at community and regional levels.

They describe how their action strategies and design solutions might impact environmental quality and other people now and in the future.

4. Demonstrate active listening, tolerance, adaptability, and openness as they work with others to gather a range of perspectives and information.

Grades 3—5: Technology and Engineering

Applying, Maintaining, and Assessing Technological Products and Systems

1. Follow directions to complete a technological task.

2. Use appropriate symbols, numbers and words to communicate key ideas about technological products and systems.

3. Identify why a product or system is not working properly.

4. Examine information to assess the trade-offs of using a product or system.

Core Concepts of Technology and Engineering

1. Describe how a subsystem is a system that operates as a part of another larger system.

2. Illustrate how, when parts of a system are missing, it may not work as planned.

3. Identify the resources needed to get a technical job done, such as people, materials, capital, tools, machines, knowledge, energy and time.

4. Describe the properties of different materials.

5. Demonstrate how tools and machines extend human capabilities, such as holding, lifting, carrying, fastening, separating and computing.

6. Describe requirements of designing or making a product or system.

7. Create a new product that improves someone's life.

Design in Technology and Engineering Education

1. Illustrate that there are multiple approaches to design.

2. Demonstrate essential skills of the engineering design process.

3. Evaluate designs based on criteria, constraints, and standards.

4. Interpret how good design improves the human condition.

5. Apply universal principles and elements of design.

6. Evaluate the strengths and weaknesses of existing design solutions, including their own solutions.

7. Practice successful design skills.

8. Apply tools, techniques, and materials in a safe manner as part of the design process.

History of Technology

1. Create representations of the tools people made, how they cultivated to provide food, made clothing and built shelters to protect themselves.

Impacts of Technology

1. Describe the helpful and harmful effects of technology.

2. Judge technologies to determine the best one to use to complete a given task or meet a need.

3. Classify resources used to create technologies as either renewable or nonrenewable.

4. Explain why responsible use of technology requires sustainable management of resources.

5. Predict how certain aspects of their daily lives would be different without given technologies.

Influence of Society on Technological Development

1. Determine factors that influence changes in a society's technological systems or infrastructure.

2. Explain how technologies are developed or adapted when individual or societal needs and wants change.

Integration of Knowledge, Technologies and Practices

1. Demonstrate how simple technologies are often combined to form more complex systems.

2. Explain how various relationships can exist between technology and engineering and other content areas.

Nature and Characteristics of Technology and Engineering

1. Compare how things found in nature differ from things that are human-made, noting differences and similarities in how they are produced and used.

2. Describe the unique relationship between science and technology, and how the natural world can contribute to the human-made world to foster innovation.

3. Differentiate between the role of scientists, engineers, technologists, and others in creating and maintaining technological systems.

4. Design solutions by safely using tools, materials and skills.

5. Explain how solutions to problems are shaped by economic, political and cultural forces.

Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6—12)

Standards for Grades 6—8^{3,4}

Physical Science

Structure and Properties of Matter

1. Develop models to describe the atomic composition of simple molecules and extended structures

2. Gather and make sense of information to describe how synthetic materials come from natural resources and impact society.

3. Develop a model that predicts and describes changes in the particle motion, temperature and state of a pure substance when thermal energy is added or removed.

³ The asterisk (*) indicates that the Performance Expectation is integrating Engineering Design.

⁴ The language of the standards is adapted, informed by or taken from the: National Research Council. (2012). A framework for K—12 science education: Practices, crosscutting concepts, and core ideas. North American Association for Environmental Education (2019) K—12 environmental education: Guidelines for excellence; International Society for Technology in Education Standards. (2019). ISTE standards for students; International Technology and Engineering Educators Association (ITEEA) (2020); NGSS Lead States. (2013). Next generation science standards: For states, by states; Standards for technological and engineering literacy: The role of technology and engineering in STEM education. National Council for Agricultural Education. (2015); International Society for Technology in Education. (2019). ISTE Standards for students. Agriculture, food and natural resources (AFNR) career cluster content standards; Pennsylvania State Board of Education. (2002). Academic standards for science and technology; Pennsylvania Department of Education. (2002). Safety guidelines for elementary and technology education teachers; Pennsylvania Department of Education. (n.d.). Pennsylvania career ready skills continuum; Standards for Technological and Engineering Literacy. (2020); Pennsylvania Association for Environmental Educators. (September 2015). Pennsylvania environmental literacy plan Pennsylvania State Board of Education. (2002). Academic standards for environment and ecology. North American Association for Environmental Education. (2014). State environmental literacy plans: 2014 status report.

Chemical Reactions

1. Analyze and interpret data on the properties of substances before and after the substances interact to determine if a chemical reaction has occurred.

2. Develop and use a model to describe how the total number of atoms does not change in a chemical reaction and thus mass is conserved.

3. Undertake a design project to construct, test and modify a device that either releases or absorbs thermal energy by chemical processes.*

Forces and Interactions

1. Apply Newton's Third Law to design a solution to a problem involving the motion of two colliding objects.*

2. Plan an investigation to provide evidence that the change in an object's motion depends on the sum of the forces on the object and the mass of the object.

3. Ask questions about data to determine the factors that affect the strength of electric and magnetic forces.

4. Construct and present arguments using evidence to support the claim that gravitational interactions are attractive and depend on the masses of interacting objects.

5. Conduct an investigation and evaluate the experimental design to provide evidence that fields exist between objects exerting forces on each other even though the objects are not in contact.

Energy

Construct and interpret graphical displays of data to describe the relationships of kinetic energy to the mass and speed of an object.

1. Develop a model to describe that when the arrangement of objects interacting at a distance changes, different amounts of potential energy are stored in the system.

2. Apply scientific principles to design, construct, and test a device that either minimizes or maximizes thermal energy transfer.*

3. Plan an investigation to determine the relationships among the energy transferred, the type of matter, the mass, and the change in the average kinetic energy of the particles as measured by the temperature of the sample.

4. Construct, use, and present arguments to support the claim that when the kinetic energy of an object changes, energy is transferred to or from the object.

Waves and Electromagnetic Radiation

1. Use mathematical representations to describe a simple model for waves that includes how the amplitude of a wave is related to the energy in a wave.

2. Develop and use a model to describe how waves are reflected, absorbed, or transmitted through various materials.

3. Integrate qualitative scientific and technical information to support the claim that digitized signals are a more reliable way to encode and transmit information than analog signals.

Life Science

Structure, Function, and Information Processing

1. Conduct an investigation to provide evidence that living things are made of cells, either one cell or many different numbers and types of cells.

2. Develop and use a model to describe the function of a cell as a whole and the ways that parts of cells contribute to the function.

3. Use arguments supported by evidence for how the body is a system of interacting subsystems composed of groups of cells.

4. Gather and synthesize information about how sensory receptors respond to stimuli by sending messages to the brain for immediate behavior or storage as memories.

Matter and Energy in Organisms and Ecosystems

1. Construct a scientific explanation based on evidence for the role of photosynthesis in the cycling of matter and flow of energy into and out of organisms.

2. Develop a model to describe how food is rearranged through chemical reactions forming new molecules that support growth and/or release energy as this matter moves through an organism.

3. Analyze and interpret data to provide evidence for the effects of resource availability on organisms and populations of organisms in an ecosystem.

4. Develop a model to describe the cycling of matter and flow of energy among living and nonliving parts of an ecosystem.

5. Construct an argument supported by empirical evidence that changes to physical or biological components of an ecosystem affect populations.

Interdependent Relationships in Ecosystems

1. Construct an explanation that predicts patterns of interactions among organisms across multiple ecosystems.

2. Evaluate competing design solutions for maintaining biodiversity and ecosystem services.*

Growth, Development and Reproduction of Organisms

1. Use arguments based on empirical evidence and scientific reasoning to support an explanation for how characteristic animal behaviors and specialized plant structures affect the probability of successful reproduction of animals and plants, respectively.

2. Construct a scientific explanation based on evidence for how environmental and genetic factors influence the growth of organisms.

3. Develop and use a model to describe why structural changes to genes (mutations) located on chromosomes may affect proteins and may result in harmful, beneficial or neutral effects to the structure and function of the organism.

4. Develop and use a model to describe why asexual reproduction results in offspring with identical genetic information and sexual reproduction results in offspring with genetic variation.

5. Gather and synthesize information about the technologies that have changed the way humans influence the inheritance of desired traits in organisms.

Natural Selection and Adaptations

1. Analyze and interpret data for patterns in the fossil record that document the existence, diversity, extinction, and change of life forms throughout the history of life on Earth under the assumption that natural laws operate today as in the past.

2. Apply scientific ideas to construct an explanation for anatomical similarities and differences among modern

organisms and between modern and fossil organisms to infer evolutionary relationships.

3. Analyze displays of pictorial data to compare patterns of similarities in embryological development across multiple species to identify relationships not evident in the fully formed anatomy.

4. Construct an explanation based on evidence that describes how genetic variations of traits in a population increase some individuals' probability of surviving and reproducing in a specific environment.

5. Use mathematical representations to support explanations of how natural selection may lead to increases and decreases of specific traits in populations over time.

Earth and Space Science

Space Systems

1. Develop and use a model of the Earth-sun-moon system to describe the cyclic patterns of lunar phases, eclipses of the sun and moon, and seasons.

2. Develop and use a model to describe the role of gravity in the motion within galaxies and the solar system.

3. Analyze and interpret data to determine scale properties of objects in the solar system.

History of Earth

1. Construct a scientific explanation based on evidence from rock strata for how the geologic time scale is used to organize Earth's 4.6-billion-year-old history.

2. Construct an explanation based on evidence for how geoscience processes have changed Earth's surface at varying time and spatial scales.

3. Analyze and interpret data on the distribution of fossils and rocks, continental shapes and seafloor structures to provide evidence of past plate motions.

Earth's Systems

1. Develop a model to describe the cycling of Earth's materials and the flow of energy that drives this process.

2. Develop a model to describe the cycling of water through Earth's systems driven by energy from the sun and the force of gravity.

3. Construct a scientific explanation based on evidence for how the uneven distributions of Earth's mineral, energy and groundwater resources are the result of past and current geoscience processes.

Weather and Climate

1. Collect data to provide evidence for how the motion and complex interactions of air masses result in changes in weather conditions.

2. Develop and use a model to describe how unequal heating and rotation of the Earth cause patterns of atmospheric and oceanic circulation that determine regional climates.

3. Ask questions to clarify evidence of the factors that have caused the rise in global temperatures over the past century.

Human Impacts

1. Analyze and interpret data on natural hazards to forecast future catastrophic events and inform the development of technologies to mitigate their effects.

2. Apply scientific principles to design a method for monitoring and minimizing human impact on the environment.*

3. Construct an argument supported by evidence for how increases in human population and per capita consumption of natural resources impact Earth's systems.

Engineering, Technology, and Applications of Science

Engineering Design (Define Problems, Develop Solutions and Improve Designs)

1. Define the criteria and constraints of a design problem with sufficient precision to ensure a successful solution, taking into account relevant scientific principles and potential impacts on people and the natural environment that may limit possible solutions.

2. Evaluate competing design solutions using a systematic process to determine how well they meet the criteria and constraints of the problem.

3. Analyze data from tests to determine similarities and differences among several design solutions to identify the best characteristics of each that can be combined into a new solution to better meet the criteria for success.

4. Develop a model to generate data for iterative testing and modification of a proposed object, tool, or process such that an optimal design can be achieved.

Standards for Grades 9—12^{5,6}

Physical Science

Structure and Properties of Matter

1. Use the periodic table as a model to predict the relative properties of elements based on the patterns of electrons in the outermost energy level of atoms.

2. Plan and conduct an investigation to gather evidence to compare the structure of substances at the bulk scale to infer the strength of electrical forces between particles.

3. Develop models to illustrate the changes in the composition of the nucleus of the atom and the energy released during the processes of fission, fusion, and radioactive decay.

4. Communicate scientific and technical information about why the molecular-level structure is important in the functioning of designed materials.*

Chemical Reactions

1. Construct and revise an explanation for the outcome of a simple chemical reaction based on the outermost electron states of atoms, trends in the periodic table, and knowledge of the patterns of chemical properties.

⁵ The asterisk (*) indicates that the Performance Expectation is integrating Engineering Design.

⁶ The language of the standards is adapted, informed by or taken from the: National Research Council. (2012). A framework for K—12 science education: Practices, crosscutting concepts, and core ideas. North American Association for Environmental Education (2019) K—12 environmental education: Guidelines for excellence; International Society for Technology in Education Standards. (2019). ISTE standards for students; International Technology and Engineering Educators Association (ITEEA) (2020); NGSS Lead States. (2013). Next generation science standards: For states, by states; Standards for technological and engineering literacy: The role of technology and engineering in STEM education. National Council for Agricultural Education. (2015); International Society for Technology in Education. (2019). ISTE Standards for students. Agriculture, food and natural resources (AFNR) career cluster content standards; Pennsylvania State Board of Education. (2002). Academic standards for science and technology; Pennsylvania Department of Education. (2002). Safety guidelines for elementary and technology education teachers; Pennsylvania Department of Education. (n.d.). Pennsylvania career ready skills continuum; Standards for Technological and Engineering Literacy. (2020); Pennsylvania Association for Environmental Educators. (September 2015). Pennsylvania environmental literacy plan Pennsylvania State Board of Education. (2002). Academic standards for environment and ecology. North American Association for Environmental Education. (2014). State environmental literacy plans: 2014 status report.

2. Develop a model to illustrate that the release or absorption of energy from a chemical reaction system depends upon the changes in total bond energy.

3. Apply scientific principles and evidence to provide an explanation about the effects of changing the temperature or concentration of the reacting particles on the rate at which a reaction occurs.

4. Refine the design of a chemical system by specifying a change in conditions that would produce increased amounts of products at equilibrium.*

5. Use mathematical representations to support the claim that atoms, and therefore mass, are conserved during a chemical reaction.

Forces and Interactions

1. Analyze data to support the claim that Newton's second law of motion describes the mathematical relationship among the net force on a macroscopic object, its mass and its acceleration.

2. Use mathematical representations to support the claim that the total momentum of a system of objects is conserved when there is no net force on the system.

3. Apply scientific and engineering ideas to design, evaluate and refine a device that minimizes the force on a macroscopic object during a collision.*

4. Use mathematical representations of Newton's Law of Gravitation and Coulomb's Law to describe and predict the gravitational and electrostatic forces between objects.

5. Plan and conduct an investigation to provide evidence that an electric current can produce a magnetic field and that a changing magnetic field can produce an electric current.

Energy

1. Create a computational model to calculate the change in the energy of one component in a system when the change in energy of the other component(s) and energy flows in and out of the system are known.

2. Develop and use models to illustrate that energy at the macroscopic scale can be accounted for as a combination of energy associated with the motions of particles (objects) and energy associated with the relative positions of particles (objects).

3. Design, build and refine a device that works within given constraints to convert one form of energy into another form of energy.*

4. Plan and conduct an investigation to provide evidence that the transfer of thermal energy when two components of different temperature are combined within a closed system results in a more uniform energy distribution among the components in the system (second law of thermodynamics).

5. Develop and use a model of two objects interacting through electric or magnetic fields to illustrate the forces between objects and the changes in energy of the objects due to the interaction.

Waves and Electromagnetic Radiation

1. Use mathematical representations to support a claim regarding relationships among the frequency, wavelength, and speed of waves traveling in various media.

2. Evaluate questions about the advantages of using digital transmission and storage of information.

3. Evaluate the claims, evidence, and reasoning behind the idea that electromagnetic radiation can be described

either by a wave model or a particle model and that for some situations one model is more useful than the other.

4. Evaluate the validity and reliability of claims in published materials of the effects that different frequencies of electromagnetic radiation have when absorbed by matter.

5. Communicate technical information about how some technological devices use the principles of wave behavior and wave interactions with matter to transmit and capture information and energy.*

Life Science

Structure and Function

1. Construct an explanation based on evidence for how the structure of DNA determines the structure of proteins which carry out the essential functions of life through systems of specialized cells.

2. Develop and use a model to illustrate the hierarchical organization of interacting systems that provide specific functions within multicellular organisms.

3. Plan and conduct an investigation to provide evidence that feedback mechanisms maintain homeostasis.

Matter and Energy in Organisms and Ecosystems

1. Use a model to illustrate how photosynthesis transforms light energy into stored chemical energy.

2. Construct and revise an explanation based on evidence for how carbon, hydrogen and oxygen from sugar molecules may combine with other elements to form amino acids and/or other large carbon-based molecules.

3. Use a model to illustrate that cellular respiration is a chemical process whereby the bonds of food molecules and oxygen molecules are broken and the bonds in new compounds are formed resulting in a net transfer of energy.

4. Construct and revise an explanation based on evidence for the cycling of matter and flow of energy in aerobic and anaerobic conditions.

5. Use mathematical representations to support claims for the cycling of matter and flow of energy among organisms in an ecosystem.

6. Develop a model to illustrate the role of photosynthesis and cellular respiration in the cycling of carbon among the biosphere, atmosphere, hydrosphere and geosphere.

Interdependent Relationships in Ecosystems

1. Use mathematical and/or computational representations to support explanations of factors that affect carrying capacity of ecosystems at different scales.

2. Use mathematical representations to support and revise explanations based on evidence about factors affecting biodiversity and populations in ecosystems of different scales.

3. Evaluate the claims, evidence, and reasoning that the complex interactions in ecosystems maintain relatively consistent numbers and types of organisms in stable conditions, but changing conditions may result in a new ecosystem.

4. Design, evaluate and refine a solution for reducing the impacts of human activities on the environment and biodiversity.*

5. Evaluate the evidence for the role of group behavior on individual and species' chances to survive and reproduce.

6. Create or revise a simulation to test a solution to mitigate the adverse impacts of human activity on biodiversity.*

Inheritance and Variation of Traits

1. Use a model to illustrate the role of cellular division (mitosis) and differentiation in producing and maintaining complex organisms.

2. Ask questions to clarify relationships about the role of DNA and chromosomes in coding the instructions for characteristic traits passed from parents to offspring.

3. Make and defend a claim based on evidence that inheritable genetic variations may result from (1) new genetic combinations through meiosis, (2) viable errors occurring during replication, and/or (3) mutations caused by environmental factors.

4. Apply concepts of statistics and probability to explain the variation and distribution of expressed traits in a population.

Natural Selection and Evolution

1. Communicate scientific information that common ancestry and biological evolution are supported by multiple lines of empirical evidence.

2. Construct an explanation based on evidence that the process of evolution primarily results from four factors: (1) the potential for a species to increase in number, (2) the heritable genetic variation of individuals in a species due to mutation and sexual reproduction, (3) competition for limited resources, and (4) the proliferation of those organisms that are better able to survive and reproduce in the environment.

3. Apply concepts of statistics and probability to support explanations that organisms with an advantageous heritable trait tend to increase in proportion to organisms lacking this trait.

4. Construct an explanation based on evidence for how natural selection leads to adaptation of populations.

5. Evaluate the evidence supporting claims that changes in environmental conditions may result in (1) increases in the number of individuals of some species, (2) the emergence of new species over time, and (3) the extinction of other species.

Earth and Space Science

Space Systems

1. Develop a model based on evidence to illustrate the life span of the sun and the role of nuclear fusion in the sun's core to release energy in the form of radiation.

2. Construct an explanation of the Big Bang theory based on astronomical evidence of light spectra, the motion of distant galaxies, and the composition of matter in the universe.

3. Communicate scientific ideas about the way stars, over their life cycle, produce elements.

4. Use mathematical or computational representations to predict the motion of orbiting objects in the solar system.

History of Earth

1. Evaluate evidence of the past and current movements of continental and oceanic crust and the theory of plate tectonics to explain the ages of crustal rocks.

2. Apply scientific reasoning and evidence from ancient Earth materials, meteorites, and other planetary surfaces to construct an account of Earth's formation and early history.

3. Develop a model to illustrate how Earth's internal and surface processes operate at different spatial and temporal scales to form continental and ocean-floor features.

Earth's Systems

1. Analyze geoscience data to make the claim that one change to Earth's surface can create feedback that causes changes to other Earth systems.

2. Develop a model based on evidence of Earth's interior to describe the cycling of matter by thermal convection.

3. Plan and conduct an investigation of the properties of water and its effects on Earth materials and surface processes.

4. Develop a quantitative model to describe the cycling of carbon among the hydrosphere, atmosphere, geosphere and biosphere.

5. Construct an argument based on evidence about the simultaneous coevolution of Earth's systems and life on Earth.

Weather and Climate

1. Use a model to describe how variations in the flow of energy into and out of Earth's systems result in changes in climate.

2. Analyze geoscience data and the results from global climate models to make an evidence-based forecast of the current rate of global or regional climate change and associated future impacts to Earth systems.

Human Sustainability

1. Construct an explanation based on evidence for how the availability of natural resources, occurrence of natural hazards, and changes in climate have influenced human activity.

2. Evaluate competing design solutions for developing, managing and utilizing energy and mineral resources based on cost-benefit ratios.*

3. Create a computational simulation to illustrate the relationships among management of natural resources, the sustainability of human populations and biodiversity.

4. Evaluate or refine a technological solution that reduces the impact of human activities on natural systems.*

5. Use a computational representation to illustrate the relationships among Earth systems and how those relationships are being modified due to human activity

Engineering, Technology and Applications of Science

Engineering Design (Define Problems, Develop Solutions and Improve Designs)

1. Analyze a major global challenge to specify qualitative and quantitative criteria and constraints for solutions that account for societal needs and wants.

2. Design a solution to a complex real-world problem by breaking it down into smaller, more manageable problems that can be solved through engineering.

3. Evaluate a solution to a complex real-world problem based on prioritized criteria and trade-offs that account

for a range of constraints, including cost, safety, reliability, and aesthetics as well as possible social, cultural, and environmental impacts.

4. Use a computer simulation to model the impact of proposed solutions to a complex real-world problem with numerous criteria and constraints on interactions within and between systems relevant to the problem.

Technology and Engineering Academic Standards⁷ Grades 6—8

Nature and Characteristics of Technology and Engineering

1. Consider historical factors that have contributed to the development of technologies and human progress.

2. Engage in a research and development process to simulate how inventions and innovations have evolved through systematic tests and refinements.

3. Differentiate between inputs, processes, outputs, and feedback in technological systems.

4. Demonstrate how systems thinking involves considering relationships between every part, as well as how the systems interact with the environment in which it is used.

5. Create an open-loop system that has no feedback path and requires human intervention.

6. Create a closed-loop system that has a feedback path and requires no human intervention.

7. Predict outcomes of a future product or system at the beginning of the design process.

8. Apply informed problem-solving strategies to the improvement of existing devices or processes or the development of new approaches.

9. Explain how technology and engineering are closely linked to creativity, which can result in both intended and unintended innovations.

10. Compare how different technologies involve different sets of processes.

Integration of Knowledge, Technologies and Practices

1. Compare, contrast and identify overlap between the contributions of science, technology, engineering and mathematics in the development of technological systems.

2. Analyze how different technological systems often interact with economic, environmental and social systems.

3. Adapt and apply an existing product, system or process to solve a problem in a different setting.

4. Demonstrate how knowledge gained from other content areas affects the development of technological products and systems.

Applying, Maintaining Assessing and Evaluating Technological Products and Systems

1. Examine the ways that technology can have both positive and negative effects at the same time.

⁷ The language of the standards is adapted, informed or from the: International Technology and Engineering Educators Association (ITEEA). (2020). Standards for technological and engineering literacy: The role of technology and engineering in STEM education. Pennsylvania Annex. (2002). Academic standards for science and technology; Pennsylvania Department of Education. (2002). Safety guidelines for elementary and technology education teachers; Pennsylvania Department of Education. (n.d.). Pennsylvania career ready skills continuum.

2. Analyze how the creation and use of technologies consumes renewable, non-renewable and inexhaustible resources; creates waste; and may contribute to environmental challenges.

3. Consider the impacts of a proposed or existing technology and devise strategies for reducing, reusing and recycling waste caused by its creation.

4. Analyze examples of technologies that have changed the way people think, interact, live and communicate.

5. Hypothesize what alternative outcomes (individual, cultural or environmental, or both) might have resulted had a different technological solution been selected.

6. Analyze how an invention or innovation was influenced by the context and circumstances in which it is developed.

7. Evaluate trade-offs based on various perspectives as part of a decision process that recognizes the need for careful compromises among competing factors.

8. Research information from various sources to use and maintain technological products or systems.

9. Use tools, materials and machines to safely diagnose, adjust and repair systems.

10. Use devices to control technological systems.

11. Design methods to gather data about technological systems.

12. Interpret the accuracy of information collected.

13. Use instruments to gather data on the performance of everyday products.

Design Thinking in Technology and Engineering Education

1. Apply a technology and engineering design thinking process.

2. Develop innovative products and systems that solve problems and extend capabilities based on individual or collective needs and wants.

3. Illustrate the benefits and opportunities associated with different approaches to design.

4. Create solutions to problems by identifying and applying human factors in design.

5. Evaluate and assess the strengths and weaknesses of various design solutions given established principles and elements of design.

6. Refine design solutions to address criteria and constraints.

7. Defend decisions related to a design problem.

Grades 9—12

Nature and Characteristics of Technology & Engineering

1. Evaluate how technology and engineering have been powerful forces in reshaping the social, cultural, political and economic landscapes throughout history.

2. Relate how technological and engineering developments have been evolutionary, often the result of a series of refinements to basic inventions or technological knowledge.

3. Identify and explain how the evolution of civilization has been directly affected by, and has in turn affected, the development and use of tools, materials and processes.

4. Analyze how the Industrial Revolution resulted in the development of mass production, sophisticated transportation and communication systems, advanced construction practices, and improved education and leisure time.

5. Investigate the widespread changes that have resulted from the Information Age, which has placed emphasis on the processing and exchange of information.

6. Analyze the rate of technological and engineering development and predict future diffusion and adoption of new innovations and technologies.

7. Demonstrate the use of conceptual, graphical, virtual, mathematical and physical modeling to identify conflicting considerations before the entire system is developed and to aid in design decision making.

8. Analyze the stability of a technological system and how it is influenced by all of the components in the system, especially those in the feedback loop.

9. Troubleshoot and improve a flawed system embedded within a larger technological, social, or environmental system.

10. Use project management tools, strategies, and processes in planning, organizing, and controlling work.

11. Implement quality control as a planned process to ensure that a product, service or system meets established criteria.

Integration of Knowledge, Technologies and Practices

1. Assess how similarities and differences among scientific, technological, engineering and mathematical knowledge and skills contributed to the design of a product or system.

2. Develop a plan that incorporates knowledge from science, mathematics and other disciplines to design or improve a technological product or system.

3. Analyze how technology transfer occurs when a user applies an existing innovation developed for one function for a different purpose.

4. Evaluate how technology enhances opportunities for new products and services through globalization.

5. Connect technological and engineering progress to the advancement of other areas of knowledge and vice versa.

Applying, Maintaining, Assessing, and Evaluating Technological Products and Systems

1. Develop a solution to a technological problem that has the least negative environmental and social impact.

2. Develop a device or system for the marketplace.

3. Evaluate ways that technology and engineering can impact individuals, society and the environment.

4. Critique whether existing or proposed technologies use resources sustainably.

5. Critically assess and evaluate a technology that minimizes resource use and resulting waste to achieve a goal.

6. Evaluate a technological innovation that arose from a specific society's unique need or want.

7. Evaluate how technology and engineering advancements alter human health and capabilities.

8. Evaluate a technological innovation that was met with societal resistance impacting its development.

9. Use various approaches to communicate processes and procedures for using, maintaining and assessing technological products and systems.

10. Synthesize data and analyze trends to make decisions about technological products, systems or processes.

11. Interpret laws, regulations, policies and other factors that impact the development and use of technology.

Design Thinking in Technology and Engineering Education

1. Apply a broad range of design skills to a design thinking process.

2. Implement and critique principles, elements and factors of design.

3. Evaluate and define the purpose of a design.

4. Conduct research to inform intentional inventions and innovations that address specific needs and wants.

5. Analyze and use relevant and appropriate design thinking processes to solve technological and engineering problems.

6. Implement the best possible solution to a design using an explicit process.

7. Apply principles of human-centered design.

8. Optimize a design by addressing desired qualities within criteria and constraints while considering trade-offs.

9. Use a design thinking process to design an appropriate technology for use in a different culture.

10. Apply appropriate design thinking processes to diagnose, adjust and repair systems to ensure precise, safe and proper functionality.

11. Recognize and explain how their community and the world around them informs technological development and engineering design.

12. Safely apply an appropriate range of making skills to a design thinking process.

[Pa.B. Doc. No. 21-889. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 51]

Diversity Reporting for Major Jurisdictional Utilities; Notice of Proposed Rulemaking

Public Meeting held
December 17, 2020

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

Proposed Rulemaking for Diversity Reporting of Major Jurisdictional Utilities; L-2020-3017284

By the Commission:

The Commission's Policy Statement on Diversity at Major Jurisdictional Utility Companies, 52 Pa. Code §§ 69.801—69.809, (Policy Statement), encourages major jurisdictional utilities to file diversity reports annually with the Commission and provides guidelines identifying the information that the major jurisdictional utilities

have been requested to report to describe their efforts to employ, and to contract with, members of diverse groups. On December 3, 2020, the Commission entered a Final Policy Statement at Docket No. M-2020-3018089 updating the Diversity Reporting Policy Statement. The updates bring the demographic terms in closer alignment with the Commonwealth's diverse citizenship and with terms used in diversity reporting to federal agencies. The Diversity Policy Statement updates will become effective on publication in the *Pennsylvania Bulletin*.

Having finalized the updates to the Diversity Policy Statement, the Commission now proposes that the diversity reporting recommendations in the Diversity Policy Statement become a regulatory obligation to be codified in 52 Pa. Code Chapter 51 for major jurisdictional utilities providing electric, natural gas, water, wastewater, and telecommunications services.

Background

Every January, leaders of Commonwealth agencies including the Commission pledge to support hiring, compensating, training and advancing individuals based on merit regardless of their diverse identities while promoting affirmative action steps to eliminate barriers for protected groups. See Governor Wolf's Executive Order on Equal Employment Opportunity, No. 2016-04.

On March 24, 1995, the Commission adopted its Diversity Statement of Policy at Docket No. M-00940557. (*Editor's Note:* The Diversity Statement of Policy at Docket No. M-00940557 was published at 25 Pa.B. 1084 (March 25, 1995).) When proposed by then-Commissioner Lisa Crutchfield, these guidelines were groundbreaking and progressive for that time. However, 25 years later brings us into a new century and gives us a timely opportunity to reinvigorate the Commission's efforts to promote and implement effective diversity programs at our major jurisdictional utilities.

Pennsylvania is a diverse state when it comes to energy production, natural resources, manufacturing, agriculture and the residents of the Commonwealth. Our jurisdictional public utilities should draw on the strengths provided by the diversity within this Commonwealth, many of whom are also customers of jurisdictional utilities. As such, the Commission finds that jurisdictional utilities should continue to develop and implement utility-wide diversity programs for employment and contracting of goods and services. Such programs should focus on how to maintain or increase the numbers of minority, women, disabled, Lesbian/Gay/Bisexual/Transgender/Questioning (LGBTQ) and veteran employees and vendors.

Properly structured, diversity programs can successfully leverage untapped talent pools to help fill these critical jobs. Furthermore, as regulated monopolies, the Commonwealth's jurisdictional utilities have unique beneficial community relationships which diversity programs have the power to strengthen. The Commission launched a utility careers campaign in the Fall of 2017 to address the looming problem of increased utility workforce retirements. See <https://pautilitycareers.com/1-Press-Release> (accessed December 4, 2020).

Currently, the Commission's Diversity Policy Statement encourages utilities to file a diversity report with the Commission annually. In reviewing the reports submitted, Commission staff has found that, in many instances, the major jurisdictional utilities are either including too much information, not enough information, or unnecessary information in the reports. In an attempt to solicit the appropriate information, the Commission's Final Policy Statement at Docket No. M-2020-3018089 will revise the

reporting guidelines upon publication in the *Pennsylvania Bulletin*. This will serve to refine the information that the major jurisdictional utilities are being requested to file and streamline the reporting and review processes. (*Editor's Note*: The revision to the Policy Statement was published at 51 Pa.B. 435 (January 22, 2021) effective January 23, 2021.)

The reporting pursuant to the Commission's Diversity Policy Statement is not obligatory. After 25 years of voluntary reporting, the Commission finds that it is appropriate to propose a diversity reporting regulation to make diversity reporting by major jurisdictional utilities obligatory, streamlined and more purposeful.

Summary of the Proposed Diversity Reporting Regulation

The guidelines in the Commission's policy statement currently at 52 Pa. Code §§ 69.801—69.809 set forth the goal of maintaining a diverse workforce and supply chain and include recommendations for the voluntary filing of diversity information by major jurisdictional utilities. The General Assembly has empowered the Commission to enact regulations governing public utilities. Section 501 of the Public Utility Code, 66 Pa.C.S. § 501(b), provides in relevant part that:

[T]he commission shall have general administrative power and authority to supervise and regulate all public utilities doing business within this Commonwealth. The commission may make such regulations, not inconsistent with law, as may be necessary or proper in the exercise of its powers or for the performance of its duties.

Section 504 of the Public Utility Code, 66 Pa.C.S. § 504, provides in relevant pertinent part that the Commission:

[M]ay require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

The Commission is now proposing that diversity reporting be mandatory for major jurisdictional utilities providing electric, natural gas, water, wastewater, and telecommunications services. This would also entail promulgating within the diversity reporting regulation the definitions that have been recently modified in Sections 69.802 and 69.802a and the filing recommendations recently modified in Section 69.809. 52 Pa. Code §§ 69.802, 69.809. It would also require mandating the use of a specific form for reporting workforce diversity as set forth in the Final Policy Statement Order.

§ 51.11—General

This section sets out the purpose of the proposed diversity reporting regulation as set forth in Annex A.

§ 51.12—Definitions applicable to employee and vendor diversity

§ 51.13—Definitions for reporting employee statistics

§ 51.14—Definitions for reporting vendor statistics

The Commission is proposing to adopt as part of the diversity reporting regulation the general definitions and the specific employee-reporting and specific vendor-reporting definitions currently in Sections 69.802 and 69.802a without substantive changes as set forth in Annex A. 52 Pa. Code 69.802. We note that we have used the phrase "major jurisdictional utility" in the proposed

diversity reporting regulation rather than "major jurisdictional utility company" as the use of "company" did not add any clarity to the diversity reporting regulation.

Because the definitions in the proposed regulation would also be applicable to the Diversity Policy Statement, and because the Diversity Policy Statement would be the predicate recommendations for the contents being reported, there are definitions proposed for inclusion in the regulation that would not be otherwise used in the regulation. Defining terms for both the proposed regulation and the remaining policy provisions in one location and as a regulation serves several purposes. It establishes uniform terms for adherence to the regulation and for understanding the policy. It avoids the potential for disjunction between one set of definitions for the regulation and a separate set for the policy.

§ 51.15—Diversity reporting requirement

Since 1995, the Commission has encouraged major jurisdictional utilities to file diversity reports with the Commission's Secretary by March 1 of each year pursuant to its Diversity Policy Statement at 52 Pa. Code § 69.809 (1995). The Commission is now proposing that diversity reporting by major jurisdictional utilities providing electric, natural gas, water, wastewater, and telecommunications services should be mandatory. Mandatory reporting in general, and the use of a specific form for reporting employee demographics in particular, would establish consistency among the major jurisdictional utilities in terms of the information being tracked and reported. It would also streamline the reporting and review process relative to diversity in employment and supply chain activities.

The Commission proposed to take the language from Section 69.809 and revise it to indicate that major jurisdictional utilities would now be required to file annual diversity reports with the Commission's Secretary by March 1 of each year. The language "are encouraged to file" would be replaced with "shall file" to indicate that diversity reporting would be a mandatory requirement. 52 Pa. Code 69.809. Additionally, the phrase "annual report should contain" would be revised to read as "the annual report shall contain" to indicate that the following reporting requirements would be mandatory as set forth in Annex A.

The provision in the Diversity Policy Statement at Section 69.809(b), relative to reporting information that is "otherwise unobtainable," is not part of the proposed diversity reporting regulation. 52 Pa. Code 69.809(b). The proposed diversity reporting regulation would instead specify what is to be reported.

The proposed diversity reporting regulation would indicate the docket in which a major jurisdictional utility is to file its annual report and that there would be consequences for the failure to file the report.

Use of Form to Report Workforce Demographics

Further, use of the Commission form for reporting diversity in a major jurisdictional utility's workforce would be required as set forth in Appendix A. The regulation would list the information required in the form and identify the form by name. The Commission would make the form available to the major jurisdictional utilities, but the form itself would not be codified.

As discussed in greater detail in the Final Policy Statement, we modeled our recommended reporting form in large measure on the federal EEO-1 form used by the Equal Employment Opportunity Commission (EEOC). Starting with the 2021 federal EEO-1 filing, employers

will have the opportunity to provide aggregate information in a comment area. With respect to gender, this could include information provided by employees who self-identify as LGBTQ or who do not make an affirmative selection for gender. Final Policy Statement at 9.

The Commission understands the privacy issues surrounding the reporting of the number of LGBTQ employees but also wants to provide the opportunity for a major jurisdictional utility to report its LGBTQ composition to the extent known but without violating the privacy of its employees. As such, the Commission proposes to use the Demographic Composition of Workforce form recently adopted in conjunction with the revisions to the Diversity Policy Statement. The form would include the number of LGBTQ employees that a major jurisdictional utility employs with the caveat that only employees who agree to be counted in LGBTQ diversity reporting may be included in the report.

There would be nothing in the form or the reporting that identifies any specific employees relative to any of the categories reported.

Impact of the Proposed Diversity Reporting Regulation on the Diversity Policy Statement

The Commission intends to retain its policy statement on diversity at Sections 69.801 through Section 69.808, including the existing policy recommendations regarding encouraging diversity, guidelines for diversity development, contracting recommendations, program development, minimum improvement levels, subcontracting program and external outreach. 52 Pa. Code §§ 69.801 and 69.803—69.808. Filing would no longer be optional; thus, there would no longer be a need for Section 69.809. 52 Pa. Code § 69.809. The Commission intends to use one set of definitions, as proposed in Annex A for the diversity reporting regulation, applicable to both the regulation and the policy statement. These anticipated changes to the Diversity Policy Statement will be undertaken after the diversity reporting regulation becomes effective.

Conclusion

This proposed regulation builds on the Commission's recently amended Diversity Policy Statement which will become final upon publication in the *Pennsylvania Bulletin*. The proposed regulation would make the reporting requirement mandatory for major jurisdictional utilities. The proposed regulation would incorporate the definitions and the requirement to use the Commission's form for reporting from the Diversity Policy Statement as part of the proposed regulation. Amendment of the Diversity Reporting Policy Statement to reflect adoption of the Diversity Reporting regulation would be addressed after proposed Diversity Reporting regulation becomes final.

Accordingly, under Sections 501 and 504 of the Public Utility Code, 66 Pa.C.S. §§ 501 and 504; Section 201 of the Act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law (45 P.S. § 1201), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; Section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)); Section 5 of the Regulatory Review Act (71 P.S. § 745.5); and Section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the

regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, the Commission proposes a new diversity reporting regulation at 52 Pa. Code §§ 51.11—51.15 as set forth in Annex A.

Therefore,

It Is Ordered:

1. That a proposed rulemaking be opened to consider the proposed diversity reporting regulation set forth in Annex A.

2. That the Law Bureau shall submit this Order and Annex A to the Office of the Attorney General for review as to form and legality and to the Governor's Budget Office for review for fiscal impact.

3. That the Law Bureau shall submit this Order and Annex A for review and comment to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. That the Law Bureau shall deposit this Order and Annex A with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. That interested parties may submit written comments referencing Docket No. L-2020-3017284 within 45 days of publication in the *Pennsylvania Bulletin*. Comments should be eFiled through the Commission's eFiling System per the Commission's Emergency Order dated March 20, 2020, at Docket No. M-2020-3019262. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

6. That the Secretary shall post and make available electronically the Order and Annex A on the Commission's website. A copy may also be obtained by calling the Secretary's Bureau at 717-772-7777 or the Law Bureau at 717-787-5000.

7. That the Secretary shall serve an electronic copy of the Order and Annex A on all major jurisdictional utilities in the Commonwealth as well as the parties served at the Amended Policy Statement on Diversity at Major Jurisdictional Utility Companies, Docket No. M-2020-3018089 (Dec. 3, 2020).

8. The contact persons for this matter are Joseph P. Cardinale, Jr., Assistant Counsel, Law Bureau 717-787-5558, jcardinale@pa.gov; and Rhonda L. Daviston, Assistant Counsel, Law Bureau, 717-787-6166, rdaviston@pa.gov. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting the Law Bureau at 717-787-5000.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: December 17, 2020

ORDER ENTERED: December 17, 2020

Fiscal Note: 57-332. No fiscal impact; (8) recommends adoption.

Appendix A
Demographic Composition of Workforce
Form to be used by Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services
 This form would not be codified but would be made available by the Commission to the major jurisdictional utilities.

Demographics of Utility Workforce		52 Pa. Code §§ 51.11—51.15		
Total Number of Employees:		Utility Name:		
		A-Docket Number:		
Job Categories	Race and Ethnicity		Person with Disabilities (Only employees who agreed to be reported)	
	Hispanic or Latino	Not Hispanic or Latino		
Gender	White	Black or African-American	Asian	
	Native American or Alaska Native	Native Hawaiian or Pacific Islander	Two or more races	
Male	Female			
LGBTQ (Only employees who agreed to be reported)			Veteran	
Executive/Senior Level Officials & Managers				
First/Mid-Level Officials & Managers				
Professionals				
Technicians				
Administrative Support Workers				
All others				
Totals				

Annex A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 51. GENERAL PROVISIONS

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

DIVERSITY

§ 51.11. General.

Diversity is an economic reality that each major jurisdictional utility is expected to recognize in its corporate strategy now and in the future. The Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809 provides recommendations for addressing such diversity issues. While the means by which a major jurisdictional utility addresses diversity in its workforce and vendor supply chains should be utility-specific, the results of such efforts shall be reported annually by each major jurisdictional utility.

§ 51.12. Definitions applicable to employee and vendor diversity.

The following words and terms, when used in §§ 51.11 and 51.15 and in the Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809, in the context of major jurisdictional utility employees and vendors have the following meanings:

Diversity—The attainment of organizational objectives by maximizing the contributions of individuals from every segment of the population including minorities, women, persons with disabilities, LGBTQ and veterans.

LGBTQ—Lesbian, gay, bisexual, transgender, queer and questioning. This term also includes gender non-conforming individuals. Employer reporting on LGBTQ shall be based on employee self-identification.

Major jurisdictional utility—An electric, natural gas, water or wastewater utility whose net plant in service is valued at \$10 million or more. The term includes major telecommunications utilities with 50,000 or more access lines.

Person with disabilities—A person who has a disability as defined in the Americans with Disabilities Act (ADA), 42 U.S.C.A. § 12102. Employer reporting on person with disabilities shall be based on employee self-identification.

Veteran—A person who meets any veteran category defined in 42 CFR § 61-300.2.

§ 51.13. Definitions for reporting employee statistics.

The following words and terms, when used in §§ 51.11 and 51.15 and in the Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809, in the context of major jurisdictional utility employees have the following meanings:

Black or African-American—A person having origins in any of the black racial groups of Africa.

Asian (not Hispanic or Latino)—A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

Hispanic or Latino—A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

Long-term plan—A plan applicable to a period of 5 years.

MIL—Minimum improvement level—A level or goal which, when achieved, indicates progress in a preferred direction.

Midterm plan—A plan applicable to a period of 3 years.

Native American or Alaska Native (not Hispanic or Latino)—A person having origins in any of the original peoples of North and South America (Including Central America) and who maintain tribal affiliation or community attachment.

Native Hawaiian or Pacific Islander (not Hispanic or Latino)—A person having origins in any of the peoples of Hawaii, Guam, Samoa or other Pacific Islands.

Short-term plan—A plan applicable to a period of 1 year.

Two or more races (not Hispanic or Latino)—A person who identifies with more than one of the five races identified in this section.

White (not Hispanic or Latino)—A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

§ 51.14. Definitions for reporting vendor statistics.

The following words and terms, when used in §§ 51.11 and 51.15 and in the Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809, in the context of a vendor with whom a major jurisdictional utility does business have the following meanings, unless the context clearly indicates otherwise:

Control—The exercise of the power to make policy decisions.

Exempt Procurement—A product or service which may be removed from the dollar base used to establish minimum improvement levels, because of the demonstrated unavailability of a minority/women/people with disabilities/LGBTQ/veteran-owned business currently capable of supplying a product or service. The term may also include one or more of the following situations:

(i) The vendor is the original equipment manufacturer.

(ii) The vendor is the only known source of the product or service.

(iii) A plant emergency situation dictates use of a specific vendor.

(iv) The purchase is from an affiliate, corporate parent, or a subsidiary.

MBE—Minority-owned business enterprise—A business enterprise that is at least 51% owned by a minority individual or group or individuals; or a publicly-owned business that has at least 51% of its stock owned by one or more minority individuals, and whose management and daily business operations are controlled by these individuals.

Minority—Black American, Hispanic American, Native American, Asian-Pacific American or any other socially disadvantaged individual as defined in 13 CFR § 124.103.

Operate—Active involvement in the day-to-day management. The term involves more than serving as an officer or director.

Subcontract—An agreement or arrangement between a contractor and a party or person, in which the entities do not stand in the relationship of an employer and an

employee, for the furnishing of supplies or services for the use of real or personal property, including lease arrangements, which in whole or in part, is necessary to the performance of any one or more contracts.

Substantial objective—An objective that is achievable and which demonstrates a major jurisdictional utility's commitment to increase the share of the utility's purchases from and contracts from minority/women/persons with disabilities/LGBTQ/veteran-owned businesses.

WBE—Women-owned business enterprise—A business enterprise that is at least 51% owned by a woman or women; or a publicly owned business that has at least 51% of its stock owned by one or more women, and whose management and daily business operations are controlled by one or more women.

§ 51.15. Diversity reporting requirement.

(a) Each major jurisdictional utility shall file with the Secretary of the Commission by March 1 of each year an annual report describing its diversity program activity for the prior year. The annual report shall contain the following elements:

(1) A copy of corporate policy committed to improving diversity in the workplace and in the procurement process.

(2) A description of training implemented on diversity initiatives in employment and in the contract of goods and services.

(3) The demographic composition of the major jurisdictional utility's workforce, reporting the number of employees by gender, race and ethnicity, persons with disabilities and veterans, on a form, Demographics of Utility Workforce, to be provided by the Commission.

(4) A description of diversity recruiting strategies.

(5) A description of diversity promotion efforts.

(6) A description of diversity retention efforts.

(7) A brief description of involvement with organizations promoting diversity.

(8) A brief summary of diverse-owned businesses that the major jurisdictional utility contracts with for goods and services. Include percentage of dollars spent with diverse-owned businesses versus non-diverse businesses.

(b) This information and form shall be filed at a major jurisdictional utility's A-docket.

(c) The Commission will use all available remedies to ensure reporting compliance including fines.

[Pa.B. Doc. No. 21-890. Filed for public inspection June 4, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments remove Leaser Lake from the Commission's list of waters managed under miscellaneous special regulations.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

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

D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

Leaser Lake, a 117-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lynn Township, Lehigh County, approximately 20 miles west-northwest of the City of Allentown. The dam impounds two unnamed tributaries to Ontelaunee Creek at river mile 0.38 upstream from its confluence with Ontelaunee Creek. This reservoir was completely dewatered in 2009 to complete dam and spillway repairs and modifications per the Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred in 2013 and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2020, with select fish species to establish a high quality, warmwater and coolwater fishery.

Since 2013, Leaser Lake has been managed under § 65.24 that allows for the harvest of trout under Commonwealth inland waters angling regulations, but no harvest of other fish species. The intent of these temporary regulations is to facilitate rapid development of the warmwater and coolwater fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the special regulation and moved to one or more of the Commission's existing regulation programs.

The black bass and panfish populations were evaluated from 2016 through 2020 to monitor progress towards development of a high quality, warmwater and coolwater fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. It is recommended that Leaser Lake be removed from miscellaneous special regulations in favor of management with the Commission's existing warm water regulation programs that allow for limited harvest of warmwater and coolwater fish. Upon removal of this regulation, Leaser Lake may be proposed for designation into § 65.9 (relating to big bass) or § 65.11 (relating to panfish enhancement) programs, or both. Additionally, Leaser Lake may be considered for designation in § 65.19 (relating to stocked trout waters open to year-round fishing). To facilitate transition of Leaser Lake to the big bass, panfish enhancement or stocked trout waters open to year-round fishing programs, this water must first be removed from miscellaneous

special regulations. All other fish species will be managed under § 61.1 (relating to Commonwealth inland waters).

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

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

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat

Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-312. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. **Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
		* * * * *
Huntingdon	Whipple Lake	All species except trout—catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—inland regulations apply. See § 61.1. This miscellaneous special regulation will remain in effect until further notice.
[Lehigh	Leaser Lake	All species except trout—Catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—inland regulations apply. See § 61.1.]
Luzerne	Harveys Lake	During the period from the first Saturday after April 11 through midnight last day of February, the daily creel limit for trout (combined species) is 3, only one of which may exceed 18 inches in length. Warmwater/coolwater species, except as provided in this section—Inland regulations apply.
		* * * * *

[Pa.B. Doc. No. 21-891. Filed for public inspection June 4, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments will improve trout stream angling opportunities and experiences for anglers while providing additional protection to wild trout during the extended season.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2022.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendments to § 65.26 (relating to extended trout season) are published under the statutory

authority of sections 2102(b) and 2307(a) of the code (relating to rules and regulations; and waters limited to specific purposes).

D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

In the Commission’s Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2020–2024, staff identified the stocked trout waters (STW) program as one of the Commission’s most popular programs. The Commission must work to improve stocked trout stream angling opportunities and experiences to best meet the preferences of anglers. Most stocked trout streams are not stocked throughout their entire length and many of these streams also have sections that are managed for wild trout. Adding the section limits for stocked trout streams to the Commission’s Fishing Summary/Boating Handbook (Handbook) will: 1) clearly identify where stocking occurs to increase angler participation, especially for anglers unfamiliar with a stream; 2) provide increased protection to the stream sections managed for wild trout during the extended season; 3) increase angling opportunities for wild trout in sections that are open to year-round fishing; 4) increase angling opportunities downstream of STW sections; and 5) simplify regulations.

Section 63.3 (relating to fishing in stocked trout waters) states that waters stocked with adult trout by the Commission must be published in the Handbook. However, most STWs listed in the Handbook do not detail the specific stream section that is stocked, but rather list only the stream name. This lack of detail provides inadequate information to anglers fishing these waters. Additionally, STW limits are defined on the Commission’s web site and the FishBoatPA mobile application. Defining the limits in the Handbook would provide consistent STW information for anglers who use various sources to identify where to fish for stocked trout.

In addition to defining the stocked stream section limits in the Handbook, an amendment § 65.26 is necessary to improve trout stream angling opportunities and experiences to best meet the preferences of anglers while providing additional protection to wild trout during the extended season. An amendment to the extended trout season regulation would provide increased protection and additional angling opportunities in stream sections managed for wild trout that are downstream from STWs. Currently, STWs and all waters downstream from STWs have a creel limit of three trout per day from the day after Labor Day until the last day of February, and are closed to fishing from March 1st until 8 a.m. on the opening day of trout season. By amending the extended trout season regulation to exclude all waters downstream of a STW, thousands of additional stream miles would be

opened to fishing on a year-round basis during the current closed season and harvest of trout would be prohibited during the extended season downstream from STWs.

The Commission proposes that § 65.26 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

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

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-313. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.26. Extended trout season.

(a) *General rule.*—The extended trout season is in effect from the day after Labor Day until the last day of February of the following year on stocked trout waters [and all waters downstream of stocked trout waters]. A creel limit of three trout per day and a minimum size limit of 7 inches apply during this season [, except Class A wild trout streams where the creel limit is 0 and areas with special regulations].

* * * * *

[Pa.B. Doc. No. 21-892. Filed for public inspection June 4, 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 25, 2021.

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

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
05-21-2021	Ameriserv Financial Bank Johnstown Cambria County	Effective
	Application for approval to purchase assets and assume liabilities of one branch of Riverview Bank, Marysville, PA, located at:	
	135 Center Street Meyersdale Somerset County, PA	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-10-2021	Brentwood Bank Bethel Park Allegheny County	3603 McRoberts Road Pittsburgh Allegheny County (Limited Service Facility)	Opened
04-20-2021	InFirst Bank Indiana Indiana County	224 Main Street Plumville Indiana County	Opened
05-19-2021	LINKBANK Camp Hill Cumberland County	1436 Pottstown Pike West Chester Chester County	Approved
05-19-2021	LINKBANK Camp Hill Cumberland County	2057 EG Drive Suite 500 Harrisburg Dauphin County	Approved
05-19-2021	The Dime Bank Honesdale Wayne County	1055 Texas Palmyra Highway Honesdale Wayne County	Filed
05-21-2021	William Penn Bank Levittown Bucks County	191 West State Street Doylestown Bucks County	Filed
05-24-2021	First Commonwealth Bank Indiana Indiana County	Southwest Intersection of East Broad Street and Hamilton Road Whitehall Franklin County, OH	Filed
05-25-2021	First Commonwealth Bank Indiana Indiana County	12449 Perry Highway Wexford Allegheny County	Approved

CREDIT UNIONS
Branch Applications
De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-03-2021	TruMark Financial Credit Union Fort Washington Montgomery County	700 East Market Street West Chester Chester County	Opened

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. 21-893. Filed for public inspection June 4, 2021, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Request by Penn Foster College for Approval of a Change of Ownership to Continue Operation as an Education Enterprise in this Commonwealth

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504 (relating to fundamental changes), the Department of Education (Department) will consider the request for approval of a change of ownership at Penn Foster College to continue its operation as an education enterprise in this Commonwealth. A Stock Purchase Agreement closed on November 17, 2020, shows that Education Holdings I, Inc. is owned by BayPine Warehouse Holding Corporation, 57%; Two Sigma Impact Acquisition Company, LLC, 35% and Rollover Shareholders, 8%. The Arizona State Board for Private Postsecondary Education, the university's home jurisdiction, approved the proposed change of ownership on April 22, 2021.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon

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

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

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

NOE ORTEGA,
Acting Secretary

[Pa.B. Doc. No. 21-894. Filed for public inspection June 4, 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: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov.

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

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

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

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

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

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0321801	Joint DEP/PFBC Pesticides Permit	New	Joe Pontoli 4038 State Rte 156 Avonmore, PA 15618	Kiskiminetas Township Armstrong County	NWRO
0921807	Joint DEP/PFBC Pesticides Permit	New	Martyn Kelly 975 Easton Road Suite 102 Warrington, PA 18976-1858	Middletown Township Bucks County	SERO
1021801	Joint DEP/PFBC Pesticides Permit	New	Shawn Richey 7690 Franklin Road Cranberry Township, PA 16066	Cranberry Township Butler County	NWRO
1021802	Joint DEP/PFBC Pesticides Permit	New	Daniel Balcer 146 Chambers Road Boyers, PA 16020-1116	Cherry Township Butler County	NWRO
2021803	Joint DEP/PFBC Pesticides Permit	New	Jesse Daw 30756 Guy Mills Road Guys Mills, PA 16327	Randolph Township Crawford County	NWRO
2516807	Joint DEP/PFBC Pesticides Permit	Renewal	Clarke Kuebler 2116 Chestnut Street Erie, PA 16502-2617	Millcreek Township Erie County	NWRO
2521805	Joint DEP/PFBC Pesticides Permit	New	Joyce Kast 8651 Francis Road Girard, PA 16417-7703	Girard Township Erie County	NWRO
4621805	Joint DEP/PFBC Pesticides Permit	New	Perkiomen Watershed Conservancy 1 Skippack Pike Schwenksville, PA 19473	Marlborough Township Montgomery County	SERO
PAR208368	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	EFCO Inc. P.O. Box 4061 Erie, PA 16512-4061	Erie City Erie County	NWRO
PAR804887	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Opportunity Place LLC 381 Yeager Road Howard, PA 16841-1813	Beech Creek Township Clinton County	NCRO
PAG122205	PAG-12 NPDES General Permit for CAFOs	Renewal	Sauder's Eggs 570 Furnace Hills Road Lititz, PA 17543	Hubley Township Schuylkill County	SCRO
PAG122207	PAG-12 NPDES General Permit for CAFOs	Renewal	Downs Racing LP 1280 Highway 315 Wilkes-Barre, PA 18702	Plains Township Luzerne County	SCRO
PAG122209	PAG-12 NPDES General Permit for CAFOs	Renewal	Mattern Dennis S 197 Mattern Hill Road Dornsife, PA 17823-7330	Upper Mahantango Township Schuylkill County	SCRO
PAG122216	PAG-12 NPDES General Permit for CAFOs	Renewal	Musser Jairus L 95 Ferebees Road Pine Grove, PA 17963-8200	Washington Township Schuylkill County	SCRO
PAG123513	PAG-12 NPDES General Permit for CAFOs	Renewal	Hord Family Farms 2742 Shearer Road Bucyrus, OH 44820	Peters Township Franklin County	SCRO
PAG123543	PAG-12 NPDES General Permit for CAFOs	Renewal	Harnish Alan 3421 Blue Rock Road Lancaster, PA 17603-9775	Manor Township Lancaster 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>
PAG123598	PAG-12 NPDES General Permit for CAFOs	Renewal	Brubaker Dwayne 595 Brown Road Myerstown, PA 17067-1839	Bethel Township Berks County	SCRO
PAG123643	PAG-12 NPDES General Permit for CAFOs	Renewal	Royer Lynn H 273 Greentree Road Elizabethtown, PA 17022-9641	Mount Joy Township Lancaster County	SCRO
PAG123702	PAG-12 NPDES General Permit for CAFOs	Renewal	Brook-Corner LLC 400 Mount Wilson Road Lebanon, PA 17042-4752	South Annville Township Lebanon County	SCRO
PAG123725	PAG-12 NPDES General Permit for CAFOs	Renewal	Junk Inn Farms LLC P.O. Box 229 Willow Hill, PA 17271	Metal Township Franklin County	SCRO
PAG123743	PAG-12 NPDES General Permit for CAFOs	Renewal	Brian Brechbill & Alan Rice 13689 Dream Highway Newburg, PA 17240-9613	Lurgan Township Franklin County	SCRO
PAG123772	PAG-12 NPDES General Permit for CAFOs	Renewal	Shady Brae Farms Inc. 29 Engle Road Marietta, PA 17547-9322	Conoy Township Lancaster County	SCRO
PAG123812	PAG-12 NPDES General Permit for CAFOs	Renewal	Jobo Holstein Farm LLC 200 Tall Oaks Road Gettysburg, PA 17325-7844	Mount Pleasant Township Adams County	SCRO
PAG123870	PAG-12 NPDES General Permit for CAFOs	Renewal	Peachy Marlin J 328 Coffe Run Road Reedsville, PA 17084	Brown Township Mifflin County	SCRO
PAG123906	PAG-12 NPDES General Permit for CAFOs	Renewal	Bollinger Daniel S & Bollinger Wendi S 306 E Lexington Road Lititz, PA 17543-8964	Warwick Township Lancaster County	SCRO
PAG124806	PAG-12 NPDES General Permit for CAFOs	Renewal	Buffalo Valley Farmstead Inc. 269 Meeting House Lane Lewisburg, PA 17837-8862	Buffalo Township Union County	SCRO
PAG124842	PAG-12 NPDES General Permit for CAFOs	Renewal	John Pepper Enterprise LLC 2624 SR 514 Granville Summit, PA 16926	Granville Township Bradford County	SCRO
1021407	Sewage Treatment Facilities Individual WQM Permit	New	Meyers John M 312 Levis Road Portersville, PA 16051-1914	Muddycreek Township Butler County	NWRO
2521414	Sewage Treatment Facilities Individual WQM Permit	New	Harry & Josette Wolf 9445 Eureka Road Girard, PA 16417-8637	Franklin Township Erie County	NWRO
3396401	Sewage Treatment Facilities Individual WQM Permit	Transfer	Boylan Kenny 3111 Trails End Lane Sigel, PA 15860-5719	Barnett Township Jefferson County	NWRO
3721403	Sewage Treatment Facilities Individual WQM Permit	New	Dehass Duane 625 State Line Road Bessemer, PA 16112	North Beaver Township Lawrence County	NWRO
4321407	Sewage Treatment Facilities Individual WQM Permit	New	Casey Heather 760 Bear Creek Road Cabot, PA 16023-9507	Hermitage City Mercer County	NWRO
4601405	Sewage Treatment Facilities Individual WQM Permit	Amendment	Montgomery Township Municipal Sewer Authority Montgomery County 1001 Stump Road Montgomeryville, PA 18936-9605	Montgomery Township Montgomery County	SERO
5021202	Sewer Extensions and Pump Stations Individual WQM Permit	New	Newport Borough Municipal Authority Perry County 101 Mulberry Street Newport, PA 17074-1533	Newport Borough Perry 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>
PA0222038	Single Residence STP Individual NPDES Permit	Transfer	Boylan Kenny 3111 Trails End Lane Sigel, PA 15860-5719	Barnett Township Jefferson County	NWRO
WQG02232113	WQG-02 WQM General Permit	New	Concord Township Delaware County 43 Thornton Road Glen Mills, PA 19342-1325	Concord Township Delaware County	SERO
WQG02252101	WQG-02 WQM General Permit	New	Middleboro Municipal Authority Erie County P.O. Box 189 McKean, PA 16426-0189	McKean Borough Erie 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.

Northeast Regional Office

PA0023736, Sewage, SIC Code 4952, **Tri Borough Municipal Authority Susquehanna County**, 83 Erie Boulevard, Susquehanna, PA 18847. Facility Name: Tri Borough Municipal Authority. This existing facility is located in Susquehanna Depot Borough, **Susquehanna County**.

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

The receiving stream(s), Susquehanna River (WWF), is located in State Water Plan watershed 4-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	104	167	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	125	188	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo					
(Total Load, lbs) (lbs)	XXX	XXX	XXX	Report	XXX	XXX
	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo					
(Total Load, lbs) (lbs)	Report	XXX	XXX	Report	XXX	XXX
	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Total Mo					
(Total Load, lbs) (lbs)	XXX	XXX	XXX	Report	XXX	XXX
	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo					
(Total Load, lbs) (lbs)	XXX	XXX	XXX	Report	XXX	XXX
Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
(Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Mercury, Total (ug/L)	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs) Effluent Net	XXX	9,132 Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs) Effluent Net	XXX	1,218 Total Annual	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Chesapeake Bay Nutrient Requirements
- Combined Sewer Overflows
- Solids Management for Non-Lagoon Treatment Systems
- Proper Waste Disposal

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

The EPA Waiver is not in effect.

PA0027693, Sewage, SIC Code 4952, **Minersville Borough Sewer Authority Schuylkill County**, 2 E Sunbury Street, Minersville, PA 17954-1719. Facility Name: Minersville Sewer Authority WWTP. This existing facility is located in Minersville Borough, **Schuylkill County**.

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

The receiving stream(s), West Branch Schuylkill River (CWF), is located in State Water Plan watershed 3-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 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>Daily Maximum</i>	
Total Dissolved Solids	Report Avg Qrtly	XXX	XXX	1,000.0	XXX	XXX
Nitrate-Nitrite as N	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	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>Daily Maximum</i>	
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Aluminum, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Iron, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Manganese, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Zinc, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	5.26	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	5.26	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	5.26	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	5.26	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>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	208	334	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Wkly Avg XXX	XXX
		Daily Max				
Raw Sewage Influent						
Total Suspended Solids	250	375	XXX	30.0	45.0	60
					Wkly Avg XXX	
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	100	XXX	XXX	12.0	XXX	24

The proposed effluent limits for Outfall 002 are based on a design flow of 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>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

Sludge use and disposal description and location(s): Landfilled at approved sites. Class B biosolids are land applied by Reading Anthracite Company under Permit PAG082220 at 90 dry tons/year.

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

- Combined Sewer Overflows
- Solids Management

- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls.

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

The EPA Waiver is not in effect.

Southcentral Regional Office

PA0265870, Storm Water, SIC Code 4214, **Rolling Frito Lay Sales LP**, 6600 E. 17 Mile Road, Sterling Heights, MI 48313. Facility Name: Rolling Frito-Lay Sales LP—Altoona Bin. This existing facility is located in Antis Township, **Blair County**.

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

The receiving stream(s), Sandy Run (CWF, MF), is located in State Water Plan watershed 11-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 and Outfall 002:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs), including applicable BMPs from Appendix L from the PAG-03.
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements (including Benchmarks for TSS, Oil and Grease)
- Other Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0008893, Industrial, SIC Code 2621, **Team Ten LLC**, 1600 Pennsylvania Avenue, Tyrone, PA 16686-1758. Facility Name: Team Ten LLC dba American Eagle Paper Mills. This existing facility is located in Tyrone Borough, **Blair County**.

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

The receiving stream(s), Bald Eagle Creek (TSF) and Gypsy Run (TSF, MF), is located in State Water Plan watershed 11-A 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 .216 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 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)						
Aug 1 - Jun 30	XXX	XXX	XXX	Report	XXX	110
Jul 1 - 31	XXX	XXX	XXX	Report	XXX	83.6

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Iron, Dissolved	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 717-705-4732.

The EPA Waiver is in effect.

PA0267457, Sewage, SIC Code 8811, **Jason E Donaldson**, 195 Wilson Street, Reedsville, PA 17084. Facility Name: Donaldson Residence. This proposed facility is located in Frankstown Township, **Blair County**.

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

The receiving stream(s), Canoe Creek (HQ-CWF, MF), Canoe Creek (WWF, MF), and Frankstown Branch Juniata River (HQ-CWF, MF), is located in State Water Plan watershed 11-A and is classified for Migratory Fishes, High Quality—Cold Water, Warm Water Fishes, and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

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
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southwest Regional Office

PA0090271, Industrial, SIC Code 4953, **Trogon Development LLC**, P.O. Box 1636, Canovanas, PR 00729. Facility Name: Fern Valley Ash Disposal Site. This existing facility is located in Jefferson Hills Borough, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary to Monongahela River (WWF), is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .066 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				

<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	60	75 ⁽¹⁾
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	20
Aluminum, Total	XXX	XXX	XXX	5.0	10.0	12.5 ⁽¹⁾
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Boron, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	8.75 ⁽¹⁾
Lithium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Strontium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .066 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>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	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75 ⁽¹⁾
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.776	0.776 ⁽¹⁾
Arsenic, Total (ug/L)	XXX	XXX	XXX	10.3	16.1	XXX
Boron, Total	XXX	XXX	XXX	1.656	2.583	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	0.28	0.44	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	10.8	16.8	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	9.65	14.5	XXX
Iron, Total	XXX	XXX	XXX	1.552	2.422	3.88 ⁽¹⁾
Lithium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	1.035	1.614	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.16	8.05	XXX
Strontium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	120.0	124.0	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.066 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75 ⁽¹⁾
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	20
Aluminum, Total	XXX	XXX	XXX	5.0	10.0	12.5 ⁽¹⁾
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Boron, Total (ug/L)	XXX	XXX	XXX	Report	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>	
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	8.75 ⁽¹⁾
Lithium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Strontium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.066 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>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75 ⁽¹⁾
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.776	0.776 ⁽¹⁾
Arsenic, Total (ug/L)	XXX	XXX	XXX	10.3	16.1	XXX
Boron, Total	XXX	XXX	XXX	1.656	2.583	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	0.28	0.44	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	10.8	16.8	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	9.65	14.5	XXX
Iron, Total	XXX	XXX	XXX	1.552	2.422	3.88 ⁽¹⁾
Lithium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	1.035	1.614	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.16	8.05	XXX
Strontium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	120.0	124.0	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of .066 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75 ⁽¹⁾
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	20
Aluminum, Total	XXX	XXX	XXX	5.0	10.0	12.5 ⁽¹⁾
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Boron, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	8.75 ⁽¹⁾
Lithium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Strontium, Total (ug/L)	XXX	XXX	XXX	Report	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>	
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of .066 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>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75 ⁽¹⁾
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.776	0.776 ⁽¹⁾
Arsenic, Total (ug/L)	XXX	XXX	XXX	10.3	16.1	XXX
Boron, Total	XXX	XXX	XXX	1.656	2.583	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	0.28	0.44	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	10.8	16.8	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	9.65	14.5	XXX
Iron, Total	XXX	XXX	XXX	1.552	2.422	3.88 ⁽¹⁾
Lithium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	1.035	1.614	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.16	8.05	XXX
Strontium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	120.0	124.0	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 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	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 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	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

⁽¹⁾ IMAX values only supplied for use by Water Quality Specialist during inspections.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0096229, Sewage, SIC Code 4952, **Marianna—West Bethlehem Joint Sewer Authority**, P.O. Box 428, Marianna, PA 15345-0428. Facility Name: Marianna—West Bethlehem Joint Sewer Authority Wastewater Treatment Plant. This existing facility is located in West Bethlehem Township, **Washington County**.

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

The receiving stream(s), Tenmile Creek (TSF), is located in State Water Plan watershed 19-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.142 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	29.6	44.4	XXX	25.0	37.5	50
May 1 - Oct 31	23.7	35.5	XXX	20.0	30.0	40
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	35.5	53.3	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	17.8	26.6	XXX	15.0	22.5	30
May 1 - Oct 31	5.9	8.9	XXX	5.0	7.5	10
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	
					Report	
					Daily Max	

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0254088, Sewage, **Derry Township Municipal Authority Westmoreland County**, P.O. Box 250, New Derry, PA 15671-0250. Facility Name: New Alexandria STP. This existing facility is located in Derry Township, **Westmoreland County**.

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

The receiving stream(s), Loyalhanna Creek (WWF), is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous 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	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	20	31	XXX	25.0	37.5	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
					Daily Max	

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Suspended Solids Raw Sewage Influent	25 Report	37 Report Daily Max	XXX XXX	30.0 Report	45.0 XXX	60 XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Southeast Regional Office

PA0012238, Industrial, SIC Code 3823, **ABB Automation, Inc.**, 125 County Line Road, Warminster, PA 18974-4974. Facility Name: ABB GWCU Remediation Facility. This existing facility is located in Warminster Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary of Pennypack Creek (TSF, MF), is located in State Water Plan watershed 3-J 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 .108 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Tetrachloroethylene	XXX	XXX	XXX	XXX	0.01	0.015
Trichloroethylene	XXX	XXX	XXX	XXX	0.035	0.053

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

I. Other Requirements

- A. Property Rights
- B. Sludge Disposal
- C. WQM Permit Issuance
- D. BAT or BCT Modification
- E. No Discharge of Cleaning Wastewaters
- F. Sampling Location of Outfall 001

II. Requirements Applicable to Stormwater Outfalls

- A. Stormwater Outfall Location
- B. Stormwater Annual Report

- C. Best Management Practices
- D. Routine Inspections
- E. PPC Plan

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD230012 A-8	New	City of Philadelphia, Division of Aviation Philadelphia International Airport Terminal D-E 8000 Essington Avenue Philadelphia, PA 19153	Tinicum Township Delaware County	SERO
PAD150161 A-1	Amend	Lincoln University 1570 Baltimore Pike Lincoln University, PA 19352	Lower Oxford Township Chester County	SERO
PAD510201	New	W-CSV Erie Owner IX, LLC Evan Kleppe 900 North Michigan Avenue Suite 1900 Chicago, IL 60611	City of Philadelphia Philadelphia County	SERO
PAD450068 A-2	Major Amendment	LTS Homes 815 Seven Bridge Road East Stroudsburg, PA 18301	Stroud Township Monroe County	NERO
PAD690003	New	Community Area New Development, Inc. (CAN-DO, Inc.) One South Church Street Suite 200 Hazelton, PA 18201	Hazel Township Luzerne County	Bureau of Abandoned Mine Reclamation 400 Market Street 13th Floor P.O. Box 69205 Harrisburg, PA 17106-9205 717.783.2267

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>
Hoffman Family Farm 243 Healy Rd Shinglehouse, PA 16748	Potter	1,592.2	1,805.97	Dairy	HQ	Renewal

**DETERMINATION FOR APPLICABILITY FOR
MUNICIPAL WASTE GENERAL PERMITS**

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

*Southeast Region: Regional Solid Waste Manager,
2 East Main Street, Norristown, PA 19401, 484-250-5960.*

General Permit Application No. WMGM008SE001. Clemens Food Group, 2700 Clemens Road, Hatfield, PA 19440-4202. This application is for the renewal of your existing Determination of Applicability under General Permit WMGM008SE001 (formerly WMGM008D001) for utilizing rendered animals fat as an alternative fuel at Clemens Food Group—Hatfield Plant, located at 2700 Clemens Road, Hatfield Township, **Montgomery County**. The renewal application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on May 5, 2021.

Comments concerning the application should be directed to the Pennsylvania Department of Environmental Protection (DEP) Waste Management Program Manager, Southeast Regional Office, by e-mail at ra-epwm-sero-permits@pa.gov. Persons interested in obtaining more information about the permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania Hamilton Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

**PLAN APPROVAL AND OPERATING
PERMIT APPLICATIONS**

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source.

Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.

34-05002B: Texas Eastern Transmission/Perulack (3318 Pumping Station Road, East Waterford, PA 17021) for the construction of two (2) new Solar Titan 130, 18,100 HP, natural gas-fired, simple cycle turbines at the Perulack Compressor Station located in Lack Township, **Juniata County**. These new turbines will replace four (4) of the existing natural gas-fired, turbines (Source IDs 034—037). The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current Waukesha 600 bhp emergency generator (Source ID 040) and Leroi 600 bhp emergency generator (Source ID 041) with Waukesha, VGF24GL, 585 bhp and Waukesha, VGF36GL, 880 bhp natural gas, emergency generators. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.154 MMBtu/hr heat input, one (1) 1,880 gallon pipeline liquids tank, one (1) 3,550 gallon oil tank, one (1) 12,690 gallon oily water tank, one (1) truck loading source for pipeline liquids, one (1) truck loading source for used oil, one (1) truck loading source for oily water and five (5) separator vessels (two (2) 33 gallon vessels, (2) 83 gallon vessels and one (1) 185 gallon vessel) associated with the blowdown separators. The expected facility potential emissions as a result of the changes proposed are: NO_x 237 tpy, CO 158 tpy, PM_{2.5} 17 tpy, PM₁₀ 17 tpy, SO₂ 25 tpy, VOCs 99 tpy and HAPs 27 tpy. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines, 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Part 63, Subpart YYYY—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines, 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR Part 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

04-00708B: Watco Transloading, LLC (2701 Route 68 West, Industry, PA 15052-1709). In accordance with 25 Pa. Code §§ 127.44 and 127.45, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval (PA-04-00708B) to Watco Transloading, LLC (Watco) to authorize installation and temporary operation of a new Donaldson Torit—Baghouse, Model—DFO 3-36 rated at 28,000 SCFM at their existing Truck loadout # 1 Source 103 at Watco Lot # 2. The new baghouse will replace the existing American Air Filter Mfr. baghouse rated at 22,000 SCFM located in Industry Borough, **Beaver County**.

The facility is limited to a material throughput of 587,600 tpy on a 12-month rolling basis, and the estimated emissions from Source 103 with a new Donaldson baghouse will not exceed 1.0 tpy PM, 0.5 tpy PM₁₀, and 0.5 tpy of hazardous air pollutants (HAP).

This authorization is subject to the best available technology (BAT) and the State regulations including 25 Pa. Code Chapters 123 and 127. Plan approval conditions include throughput limitations on material throughput, operational restrictions, monitoring requirements, work practice standards, associated recordkeeping, reporting requirements, and stack testing. Once compliance with the Plan Approval is demonstrated, the applicant will be required to revise or submit a State Only Operating Permit (SOOP) application in accordance with 25 Pa. Code Subchapter F. Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

To request a review of the Plan Approval 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 Plan Approval for this project, a person may contact Jesse Parihar at jparihar@pa.gov or 412.442.4030.

A person may oppose the proposed Plan Approval by filing a written protest with the Department through Jesse Parihar via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to jparihar@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. 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 Plan Approval (PA-04-00708B) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

All comments must be received prior to the close of business 30 days after the date of this publication.

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.

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

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

36-05156: L&S Sweeteners, Inc. (388 East Main Street, Leola, PA 17540) to issue a renewal of the facility's Title V Operating Permit for the liquid and dry bulk receiving and transfer operations and a landfill gas-to-energy plant located in Upper Leacock Township, **Lancaster County**. The actual emissions reported for year 2020 were 117.9 tons of CO, 17.8 tons of NO_x, 2.9 tons of PM₁₀, 4.0 tons of SO_x, 17.7 tons of VOCs, and 9.6 tons of Formaldehyde. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart JJJJ; 40 CFR Part 60, Subpart Dc; 40 CFR Part 63, Subpart ZZZZ; and 40 CFR Part 63, Subpart DDDDD.

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

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

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

15-00143: Phoenixville Crematory, Inc. (610 Main Street, Phoenixville, PA 19460) located in Phoenixville Borough, **Chester County** for the renewal of their Air Quality Natural Minor Operating Permit. Phoenixville Crematory operates a human crematory at the Campbell-Ennis-Klotzbach Funeral Home. The crematory is a dual chamber unit manufactured by Matthews Cremation Division. The operating permit requires the use of maximum operating temperatures, retention times, and using natural gas as a fuel. The operating permit also contains operating restrictions, monitoring and recordkeeping requirements and work practice standards designed to keep the crematory operating within all applicable air quality requirements.

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

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

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

06-05068: Reading Terminal DE LLC (P.O. Box 2621, Harrisburg, PA 17105) to issue a State Only Operating Permit for the distribution terminal located in Sinking Spring Borough, **Berks County**. The actual emissions from the facility in 2019 year are estimated at 33.4 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include

provisions derived from 40 CFR 60 Subparts Kb and XX, 40 CFR 63 Subparts BBBB and ZZZZ and 25 Pa. Code §§ 129.56 and 129.57.

07-05034: PA Dept. of Military & Veterans Affairs (P.O. Box 319, Hollidaysburg, PA 16648) to issue a State Only Operating Permit for the Hollidaysburg Veterans Home located in Allegheny Township, **Blair County**. The potential emissions from the facility are estimated at 37.18 tpy of NO_x, 19.72 tpy of CO, 5.15 tpy of PM, 1.70 tpy of VOC, and less than 1 ton each per year of SO_x and Combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial—Commercial-Institutional Steam Generating Units and 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

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

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

49-00015: International Paper Company (2164 Locust Gap Highway, Mt Carmel, PA 17851-2564) to issue a State Only Operating Permit for their facility located in Mt Carmel Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00015. The facility's sources include four (4) flexographic printing presses and folder/glueers, three (3) rotary die cutters and printers, two (2) paper hoppers, two (2) natural gas-fired boilers (20.9 and 10.5 million Btu per hour, respectively), a 7.5 kilowatt propane-fired emergency generator, a starch silo, a batch filter press and a cold cleaning machine. The facility has potential emissions of 18.31 tons of nitrogen oxides per year, 13.10 tons of carbon monoxide per year, 7.34 tons of volatile organic compounds per year, 4.43 tons of sulfur oxides per year, 65.27 tons of particulate matter per year and 4.16 tons of hazardous air pollutants per year. 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.

11-00433: GapVax, Inc./Johnstown Plant (575 Central Ave, Johnstown, PA 15902-2600). In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice of intent to issue a synthetic minor State Only Operating Permit for the manufacture of custom-built large truck-mounted, industrial and municipal vacuum systems at their facility located in City of Johnstown, **Cambria County**.

GapVax, Inc. operates five paint booths, paint mixing and spray gun cleaning operations, shot and sand blasting (exhausted indoors), and 23 small combustion units (< 5 MMBtu/hr each). This facility has anticipated annual emissions of 11.8 tons of NO_x, 9.9 tons of CO, 0.1 ton of SO_x, 0.5 ton of PM₁₀, 9.1 tons of VOCs, and 1.3 tons of HAPs. The three newest paint booths are limited to total combined emissions of 44.0 tons VOC per 12-cmp and 9.1 tons HAPs per 12-cmp.

The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (11-00433) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

26-00488: Laurel Aggregates of Delaware, LLC/Lake Lynn Quarry (2480 Springhill Furnace Road, Lake Lynn, PA 15451). In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice of intent to issue a synthetic minor State Only Operating Permit for the operation of a limestone processing operation located in Springhill Township, **Fayette County**.

Laurel Aggregates operates two limestone processing plants with a maximum production rate of 800 tons per hour, a parts washer, and a 37 hp emergency generator. This facility has a potential to emit 1.3 tons of NO_x, 50.9 tons of CO, 1.0 ton of VOCs, and 97.2 tons of PM₁₀ per year based on the proposed operating limits. The facility will be limited to 3,560,000 tons/year of throughput and 4,450 hours/year of operation.

The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00488) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

56-00244: Pennsylvania Department of Corrections (1920 Technology Parkway, Mechanicsburg, PA 17050). 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 a prison, known as SCI Somerset, located in Brothersvalley Township, **Somerset County**.

The primary sources at the boiler house are six boilers. Five of the boilers (Boilers # 1—# 5, Source IDs 031—035, 33.5 MMBtu/hr, 33.5 MMBtu/hr, 13.4 MMBtu/hr, 8.4 MMBtu/hr, and 8.4 MMBtu/hr) are natural gas-fired with distillate oil backup. The sixth boiler (Boiler # 7, Source ID 037, 10.043 MMBtu/hr) is only fired by natural gas. The facility also contains two, 909-bhp, compression ignition, diesel, emergency generator engines.

Annual potential emissions are 59 tons of NO_x, 41 tons of CO, 5 tons of PM₁₀, 5 tons of PM_{2.5}, 4 tons of SO₂, 3 tons of VOC, 1.0 ton of all HAPs combined, and 56,817 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 and operational, monitoring, reporting, and recordkeeping 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-56-00244), 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.

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

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

¹ The parameter is applicable at all times.

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

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

Permit No. 30841307 and NPDES Permit No. PA0213438. Emerald Contura, LLC, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370 to renew the permit and related NPDES permit for Emerald Mine No. 1 in Center, Franklin, Jefferson, Cumberland, Greene, and Whiteley Townships, **Greene County**. No additional discharges. The application was considered administratively complete on May 6, 2021. Application received: January 11, 2021.

Permit No. 03991301 and NPDES Permit No. PA0235407. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 to renew the permit and related NPDES permit for Logansport Mine in Bethel Township, **Armstrong County**. No additional discharges. The application was considered administratively complete on May 13, 2021. Application received: February 8, 2021.

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

Permit No. 32150101 and NPDES No. PA0279421. Amerikohl Mining Inc., 202 Sunset Drive, Butler, PA 16001, renewal for reclamation only of a bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 58.4 acres. Receiving streams: unnamed tributary to/and Roaring Run to Conemaugh River, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 18, 2021.

Permit No. 32060103 and NPDES No. PA0262234. TLH Coal Company, 4401 Pollock Road, Marion Center, PA 15759, land use change from forestland to a combination of cropland, unmanaged natural habitat and industrial/commercial on the bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 101 acres. Receiving streams: unnamed tributaries to/and Pine Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 20, 2021.

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

Permit No. 17960108. Corey L. Shawver dba Hilltop Coal Company, 18 Dutchtown Rd., Houtzdale, PA 16651, permit renewal for reclamation only of a bituminous surface coal mine located in Bigler Township, **Clearfield County** affecting 13.7 acres. Receiving stream(s): Unnamed Tributaries of Muddy Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 12, 2021.

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

Permit No. 49803201C2. Reading Anthracite Company, P.O. Box 1200, Pottsville, PA 17901, correction to an existing anthracite coal refuse reprocessing operation to include sewage sludge for reclamation on 32.96 acres of 176.0 acres in Zerbe Township, **Northumberland County**. Receiving stream: Zerbe Run, classified for the following uses: cold water and migratory fishes. Application received: May 5, 2021.

Permit No. 49803202C. Reading Anthracite Company, P.O. Box 1200, Pottsville, PA 17901, correction to an existing anthracite coal refuse reprocessing operation to include sewage sludge for reclamation on 13.0 acres of 45.0 acres in Zerbe Township, **Northumberland County**. Receiving stream: Zerbe Run, classified for the following uses: cold water and migratory fishes. Application received: May 5, 2021.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

Permit No. 28960301 and NPDES No. PA0223735, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of NPDES permit, located in Fannett Township, **Franklin County**. Receiving streams: unnamed tributary to Dry Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 18, 2021.

Permit No. 01740401 and NPDES No. PA0613045, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Hamiltonban Township, **Adams County**. Receiving stream: Muddy Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 18, 2021.

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

Permit No. 14900301 and NPDES No. PA0206229. Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16803, renewal of an NPDES permit for a large noncoal mining site located in Spring Township, **Centre County** affecting 158.20 acres. Receiving stream(s): Spring Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 17, 2021.

Permit No. 4773SM5 and NPDES No. PA0115533. Hanson Aggregates Pennsylvania LLC, 7660 Imperial Way, Allentown, PA 18195, renewal of an NPDES permit for a large noncoal mining site located in Muncy Creek Township, **Lycoming County** affecting 195.7 acres. Receiving stream(s): Unnamed Tributary to Wolf Run and Unnamed Tributary to Muncy Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: May 17, 2021.

Permit No. 53212801. North Penn Supply Quarries, LLC, 115 North East Street, Coudersport, PA 16815, Commencement, operation, and restoration of a small noncoal (shale, sandstone) operation located in Sweden Township, **Potter County** affecting 5 acres. Receiving stream(s): Mill Creek and an Unnamed Tributary to Allegheny River classified for the following use(s): HQ-CWF. Application received: May 3, 2021.

Permit No. 08210301. Bishop Brothers Construction Co., Inc., 1376 Leisure Drive, Towanda, PA 18848, Commencement, operation, and restoration of a large noncoal (overburden, sandstone/siltstone) surface mine located in Sheshequin Township, **Bradford County** affecting 65 acres. Receiving stream(s): Horn Brook classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: May 10, 2021.

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

Permit No. 64212503 and NPDES Permit No. PA0226017. Leo's 848 Products, LLC, P.O. Box 277, Lake Como, PA 18437, NPDES Permit for discharge of treated mine drainage from a GP105 quarry operation in Preston Township, **Wayne County** affecting 10.0 acres. Receiving stream: unnamed tributary to Kinneysville Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: April 29, 2021.

Permit No. 4875SM2A1C13 and NPDES Permit No. PA0119563. Glen-Gery Corp., 1166 Spring Street, Wyomissing, PA 19610, renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County** affecting 156.3 acres. Receiving stream: Fox Run to Little Conewago Creek, classified for the following uses: trout stock and migratory fishes. Application received: May 18, 2021.

NOTICE OF PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

The Environmental Good Samaritan Act (27 Pa.C.S.A. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department of Environmental Protection. A copy of the proposals is available for inspection at the office indicated above each proposal.

Written comments or objections may be submitted by any person or any office or head of any Federal, State, or local government agency or authority to the Department at the same address within 30-days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

PROJECT PROPOSALS RECEIVED

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

Notice of Projects under the Environmental Good Samaritan Act.

The following treatment systems construction project proposal has been received by the Department of Environmental Protection, New Stanton District Office, P.O. Box 133, New Stanton, PA 15672, on March 10, 2021. The name of the project—**Spruell Pipe AMD Treatment Systems**. The project completed construction of two passive AMD treatment systems on property located in Stewart Township, **Fayette County**. A copy of the proposal is available for inspection at the office indicated above each proposal.

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. PA0263079 (Mining Permit No. 56100105), Wilson Creek Energy, LLC, 1576 Stoystown Road, P.O. Box 260 Friedens, PA 15541, renewal of an NPDES permit for discharge of water resulting from surface mining activities in Black Township, **Somerset County**, affecting 149.3 acres. Receiving stream(s): Wilson Creek & Coxes Creek, classified for the following use: warm water fishes. This receiving stream is included in the Coxes Creek TMDL. Application received: February 3, 2021.

The following outfalls discharge to Wilson Creek and Coxes Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002 (Treatment Pond 2)	N
003 (Treatment Pond 3)	N
004 (Sediment Pond 1)	N
005 (Sediment Pond 2)	N
006 (Sediment Pond 3)	N

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

<i>Outfalls: 002 (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

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 (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)	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 9.0 standard units at all times.
Alkalinity must exceed acidity at all times.

<i>Outfalls: 004 and 005 (Dry 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

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: 006 (Dry 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)	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 9.0 standard units at all times.
Alkalinity must exceed acidity at all times.

<i>Outfalls: 004—006 (≤10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5

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

Outfalls: 004—006 (>10-yr/24-hr Precip. Event)
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
Alkalinity must exceed acidity at all times.

NPDES No. PA0269476 (Mining Permit No. 56150101), Fieg Brothers, P.O. Box 38, Berlin, PA 15530, renewal of an NPDES permit for surface mining activities in Jenner Township, **Somerset County**, affecting 101.5 acres. Receiving stream(s): unnamed tributaries to/and Quemahoning Creek, classified for the following use: Cold Water Fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: May 11, 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 two unnamed tributaries to Yellow Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N

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

<i>Outfalls: 001—003 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

The following outfall requires a non-discharge alternative:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N (non-discharge alternative)

The following stormwater outfalls discharge to an unnamed tributary to Quemahoning Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N
006	N

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

<i>Outfalls: 005 and 006 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Noncoal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472.1900.

NPDES No. PA0223735 (Mining Permit No. 28960301), New Enterprise Stone and Lime Company, Inc., 3912 Brumbaugh Road, P.O. Box 77, New Enterprise, PA 16664-0077, renewal of an NPDES permit in Fannett Township, **Franklin County**, affecting 40.8 acres. Receiving stream: Unnamed tributary to Dry Run, classified for the following use: Cold Water Fishes. Application received: May 18, 2021.

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

The following treatment outfall discharges to an unnamed tributary to Dry Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N

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

<i>Outfall: 004</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0

Alkalinity must exceed acidity at all times.

NPDES No. PA0262846 (Mining Permit No. 56090301), New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, renewal of an NPDES permit for non-coal surface mining in Jefferson Township, **Somerset County**, affecting 4.8 acres. Receiving streams: unnamed tributaries to/and Kooser Run and unnamed tributaries to/and Shafer Run classified for the following uses: high quality, cold water fishes. This receiving stream is included in the Casselman TMDL. Application received: April 1, 2021.

The following outfalls discharge to unnamed tributary to Kooser Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

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

<i>Outfalls: 001 and 002 (≥10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Carbonaceous Biochemical Oxygen Demand (COBD ₅)		Monitor and Report	
Ammonia (NH ₃ -N)		Monitor and Report	
Nitrates/Nitrites (NO ₂ /NO ₃ -N)		Monitor and Report	

<i>Outfalls: 001 and 002 (≥10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Phosphorus		Monitor and Report	
Total Residual Chlorine (TRC)		Monitor and Report	
Lead (Total)		Monitor and Report	
Copper (Total)		Monitor and Report	
Iron (Total)		Monitor and Report	
Sulfate		Monitor and Report	
Aluminum (Total)		Monitor and Report	
Total Suspended Solids (mg/l)		Monitor and Report	
Total Dissolved Solids		Monitor and Report	
Zinc (Total)		Monitor and Report	

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

NPDES No. PA0613045 (Mining Permit No. 01740401), New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, renewal of an NPDES permit for a limestone quarry in Hamiltonban Township, **Adams County**, affecting 38 acres. Receiving stream: Muddy Run, classified for the following use: cold water fishes. Application received: May 18, 2021.

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

The following outfall discharges to Muddy Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N

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

<i>Outfalls: 001</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

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)).

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101; Email: RA-EPREGIONAL PERMIT@pa.gov.

E0603221-005. Dalfen Industrial, 17304 Preston Road, Dallas, TX 75252. Bethel Township, **Berks County**, Army Corps of Engineers Baltimore District.

To fill 0.21 acre of PEM wetland (Other) within the Little Swatara Creek watershed (CWF, MF) for the purpose of constructing and maintaining a 699,600-SF warehouse with associated entrance, parking, and stormwater facilities.

The project is located along Camp Swatara Road (Bethel, PA Quadrangle, Latitude: 40.459444°; Longitude: -76.333056°) in Bethel Township, Berks County.

E6703220-026. Ridgeline Property Group, 3715 Northside Parkway, Building 200, Suite 610, Atlanta, GA 30327, Conewago Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

To fill approximately 400 feet of a UNT to Little Conewago Creek (TSF, MF) and 0.11 acre of PEM/PSS/PFO wetlands for the purpose of constructing a distribu-

tion facility and associated other amenities. Mitigation is required for this project.

The project is located on the south side of Cloverleaf Road, near the intersection with Susquehanna Trail North (SR 297) (Dover, PA Quadrangle, Latitude: 40.078432°; Longitude: -76.7736330°) in Conewago Township, York County.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a, including links to Individual NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at www.dep.pa.gov/CWPpublicNotice.

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>
PA0034487	Industrial Stormwater Individual NPDES Permit	Issued	Meenan Oil Co. LP 113 Main Street Tullytown, PA 19007	Tullytown Borough Bucks 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>
0221800	Joint DEP/PFBC Pesticides Permit	Issued	Superior Appalachian Pipeline LLC 4000 Town Center Boulevard Canonsburg, PA 15317-5837	Frazer Township Allegheny County	SWRO
0221801	Joint DEP/PFBC Pesticides Permit	Issued	Superior Appalachian Pipeline LLC 4000 Town Center Boulevard Canonsburg, PA 15317-5837	Fawn Township Allegheny County	SWRO
0221802	Joint DEP/PFBC Pesticides Permit	Issued	Superior Appalachian Pipeline LLC 4000 Town Center Boulevard Canonsburg, PA 15317-5837	Indiana Township Allegheny County	SWRO
1021802	Joint DEP/PFBC Pesticides Permit	Issued	Daniel Balcer 146 Chambers Road Boyers, PA 16020-1116	Cherry Township Butler County	NWRO
1521816	Joint DEP/PFBC Pesticides Permit	Issued	Jenners Pond 2000 Greenbriar Lane West Grove, PA 19390	Penn Township Chester County	SERO
2516807	Joint DEP/PFBC Pesticides Permit	Issued	Clarke Kuebler 2116 Chestnut Street Erie, PA 16502-2617	Millcreek Township Erie County	NWRO
2521805	Joint DEP/PFBC Pesticides Permit	Issued	Joyce Kast 8651 Francis Road Girard, PA 16417-7703	Girard Township Erie County	NWRO
3121801	Joint DEP/PFBC Pesticides Permit	Issued	US Army Corp of Engineering Raystown Lake Project 6145 Seven Points Road Hesston, PA 16647-8303	Penn Township Huntingdon County	SCRO
4320805	Joint DEP/PFBC Pesticides Permit	Issued	Buck Burger 59 Reiber Road West Middlesex, PA 16159-3825	Lackawannock Township Mercer County	NWRO
4613811	Joint DEP/PFBC Pesticides Permit	Issued	Janssen Research & Development LLC Welsh and McKean Roads Spring House, PA 19477	Lower Gwynedd Township Montgomery County	SERO
4616817	Joint DEP/PFBC Pesticides Permit	Issued	Spring Ford Country Club 48 Country Club Road Royersford, PA 19468-1517	Limerick Township Montgomery County	SERO
5116801	Joint DEP/PFBC Pesticides Permit	Issued	Corner James 655 Gate House Lane Philadelphia, PA 19118	Philadelphia City Philadelphia County	SERO
5121801	Joint DEP/PFBC Pesticides Permit	Issued	Awbury Arboretum 1 Awbury Road Philadelphia, PA 19138-1505	Philadelphia City Philadelphia County	SERO
6121803	Joint DEP/PFBC Pesticides Permit	Issued	Donald Page 1738 W Home Road Emlenton, PA 16373-8328	Richland Township Venango County	NWRO
3620202	Manure Storage Facilities Individual WQM Permit	Issued	Rohrer Joe 1107 Lime Valley Road Lancaster, PA 17602-1811	Strasburg Township Lancaster County	SCRO
PA0035718	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	John Koller & Son Inc. 1734 Perry Highway Fredonia, PA 16124-2720	Fairview Township Mercer County	NWRO
PA0081329	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	South Londonderry Township Municipal Authority Lebanon County 27 W Market Street Palmyra, PA 17078-8736	South Londonderry Township Lebanon County	SCRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0082635	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Els Sun Valley LP 2 N Riverside PZ Suite 800 Chicago, IL 60606	Brecknock Township Lancaster County	SCRO
PA0087581	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Centre Township Municipal Authority Berks County 449 Bucks Hill Road Mohrsville, PA 19541-9340	Centre Township Berks County	SCRO
PA0087637	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Rodas Kathy 1190 Wyndsong Drive York, PA 17403-4492	Upper Frankford Township Cumberland County	SCRO
PA0246654	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Centre Township Municipal Authority Berks County 449 Bucks Hill Road Mohrsville, PA 19541-9340	Centre Township Berks County	SCRO
PA0020591	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Mount Gretna Borough Authority Lebanon County P.O. Box 61 101 Chautauqua Drive Mount Gretna, PA 17064-0061	Mount Gretna Borough Lebanon County	SCRO
PA0020788	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Derry Borough Municipal Authority Westmoreland County 620 N Chestnut Street Derry, PA 15627-1728	Derry Borough Westmoreland County	SWRO
PA0020834	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Greencastle Borough Authority Franklin County 60 N Washington Street Greencastle, PA 17225-1230	Greencastle Borough Franklin County	SCRO
PA0046221	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Newville Borough Water & Sewer Authority Cumberland County 99 E Cove Alley Newville, PA 17241-1105	Newville Borough Cumberland County	SCRO
PA0086771	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Centre Township Municipal Authority Berks County 449 Bucks Hill Road Mohrsville, PA 19541-9340	Centre Township Berks County	SCRO
PA0100650	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Forrest Brooke MHC LLC P.O. Box 1105 Hermitage, PA 16148-0105	Lackawannock Township Mercer County	NWRO
PA0205877	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Redstone Township Sewer Authority Fayette County 1010 Main Street P.O. Box 753 Republic, PA 15475-0751	Redstone Township Fayette County	SWRO

<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>
PA0223069	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Coolspring Jackson Lake Latonka Joint Authority 644a Franklin Road Mercer, PA 16137	Coolspring Township Mercer County	NWRO
PAG034877	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Russell Stone Products Inc. 2640 Greenville Pike Grampian, PA 16838-9201	Pike Township Clearfield County	NCRO
PAG036293	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Norfolk Southern Corp 920 Maple Avenue Johnstown, PA 15901-1400	Johnstown City Cambria County	SWRO
PAG153504	PAG-15 NPDES General Permit for Pesticides	Issued	US Army Corp of Engineering Raystown Lake Project 6145 Seven Points Road Hesston, PA 16647-8303	Penn Township Huntingdon County	SCRO
0120401	Sewage Treatment Facilities Individual WQM Permit	Issued	Floyd Paul Walters 140 Village Square Drive Marietta, PA 17547	Straban Township Adams County	SCRO
3120401	Sewage Treatment Facilities Individual WQM Permit	Issued	Carey L Lightner 7072 Diamond Valley Road Alexandria, PA 16611	Logan Township Huntingdon County	SCRO
3408401	Sewage Treatment Facilities Individual WQM Permit	Issued	Diem Jr Ivan 549 Jones Road Mifflintown, PA 17059	Delaware Township Juniata County	SCRO
4321403	Sewage Treatment Facilities Individual WQM Permit	Issued	Dagres Brandon 431 Tieline Road Grove City, PA 16127-6115	Pine Township Mercer County	NWRO
5309401	Sewage Treatment Facilities Individual WQM Permit	Issued	Galeton Borough Authority Potter County 15 West Street Galeton, PA 16922-1264	Galeton Borough Potter County	NCRO
566S019	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Carrolltown Borough Municipal Authority Cambria County P.O. Box 307 140 E Carroll Street Carrolltown, PA 15722-0307	East Carroll Township Cambria County	SWRO
PA0261157	Single Residence STP Individual NPDES Permit	Issued	Diem Jr Ivan 549 Jones Road Mifflintown, PA 17059	Delaware Township Juniata County	SCRO
PA0267198	Single Residence STP Individual NPDES Permit	Issued	Carey L Lightner 7072 Diamond Valley Road Alexandria, PA 16611	Logan Township Huntingdon County	SCRO
PA0267244	Single Residence STP Individual NPDES Permit	Issued	Floyd Paul Walters 140 Village Square Drive Marietta, PA 17547	Straban Township Adams County	SCRO
PA0288969	Single Residence STP Individual NPDES Permit	Issued	Dagres Brandon 431 Tieline Road Grove City, PA 16127-6115	Pine Township Mercer County	NWRO
PA0051764	Small Flow Treatment Facility Individual NPDES Permit	Issued	Galen Hall Corp 815 Lancaster Avenue Reading, PA 19607-1636	South Heidelberg Township Berks County	SCRO
WQG02092108	WQG-02 WQM General Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO

II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC230183	PAG-02 General Permit	Issued	Patricia Benson 901 S. Media Line Road Media, PA 19063	Upper Darby Township Delaware County	SERO
PAC510194	PAG-02 General Permit	Issued	SBG Real Estate, LLC 920 Wayland Circle Bensalem, PA 19020-4025	City of Philadelphia Philadelphia County	SERO
PAC150251	PAG-02	Issued	Severgn Apartments, LLC 707 Eagleview Blvd. Exton, PA 19341	Uwchlan Township Chester County	SERO
PAC150268	PAG-02	Issued	Kennett Square Specialties LLC 609 Cope Road Kennett Square, PA 19348	Kennett Township Chester County	SERO
PAC150186 A-1	PAG-02	Issued	Melton Center Apartment, LLC 1228 Euclid Avenue Cleveland, OH 44115	West Chester Borough Chester County	SERO
PAC090297 Renewal Only	PAG-02 General Permit	Issued	Triumph Construction Group, LLC 2324 Second Street Pike Suite 20 Newtown, PA 18940	Wrightstown Township Buck County	SERO
PAC090255 Renewal Only	PAG-02 General Permit	Issued	Kim Daria Corsini 4344 Township Line Road Wycombe, PA 18980	Buckingham Township Buck County	SERO
PAC090434 Renewal Only	PAG-02 General Permit	Issued	Council Rock School District 30 North Chancellor Street Newtown, PA 18940	Northampton Township Buck County	SERO
PAC090455	PAG-02 General Permit	Issued	Anthony Phyllis Circle 301 Oxford Valley Road Suite 702 Yardley, PA 19067-7706	Bristol Township Buck County	SERO
PAD510006 A-2	Individual NPDES	Amendment	University of Pennsylvania Health System 3400 Civic Center Boulevard Philadelphia, PA 19104	City of Philadelphia Philadelphia County	SERO
PAD150200	Individual NPDES	Issued	512 Lapp Road LLC c/o Builders, Inc. 4 Raymond Drive Havertown, PA 19083	East Whiteland Township Chester County	SERO
PAC400184	PAG-02 General Permit	Issued	Hazleton Public Transit Ralph Sharp 126 W. Mine Street Hazleton, PA 18201	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAD450125	Individual NPDES	Issued	PennDOT Dist. 5-0 1002 Hamilton Street Allentown, PA 18101	Chestnuthill Township Monroe County	NERO
PAC400182	PAG-02 General Permit	Issued	HSFA, LP 118 Waterfront Estate Drive Lancaster, PA 17601	Duryea Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD400035 A-1	Individual NPDES	Issued	Hazleton Creek Properties, LLC 282 South Church Street Hazleton, PA 18201	Hazle Township City of Hazleton Luzerne County	NERO
PAD050010	Individual NPDES	Issued	Scott D. Baker 816 Replogle School Road New Enterprise, PA 16664	South Woodbury Township Bedford County	SCRO
PA210001C	PAG-02 General Permit	Issued	38 Woods Drive, LLC 430 North Front Street Wormleysburg, PA 17043-1114	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210235	PAG-02 General Permit	Issued	Davis Country Living 45 West Allen Street Mechanicsburg, PA 17055	Monroe Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210241	PAG-02 General Permit	Issued	Pennsylvania Game Commission 2001 Elmerton Avenue Harrisburg, PA 17110	North Middleton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210222	PAG-02 General Permit	Issued	SDKM Bear Property, LLC c/o Prologis One Meadowlands Plaza Suite 100 East Rutherford, NJ 07073	West Pennsboro Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC220085 A-1	PAG-02 General Permit	Issued	Lower Swatara Township 1499 Spring Garden Drive Middletown, PA 17057	Lower Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220264	PAG-02 General Permit	Issued	MI Windows and Doors 650 West Market Street Gratz, PA 17030	Gratz Borough Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220281	PAG-02 General Permit	Issued	Fishing Creek Valley Associates, LP 4712 Smith Street Harrisburg, PA 17109	Lower Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC220253 A-1	PAG-02 General Permit	Issued	PPL Electric Utilities Corporation 2 North Ninth Street, GENN4 Allentown, PA 18101	Middle Paxton Township Susquehanna Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220293	PAG-02 General Permit	Issued	Hen House Storage, LLP 546 Mohr Road Millersburg, PA 17061	Mifflin Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC670324 A-1	PAG-02 General Permit	Issued	Church and Dwight Company, Inc. 5197 Commerce Drive York, PA 17408	Jackson Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAD020004-2	Individual NPDES	Issued	Redevelopment Authority of Allegheny County 112 Washington Place Pittsburgh, PA 15219	Coraopolis Borough Moon Township Robinson Township Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAD020044	Individual NPDES	Issued	Duquesne University 1323 Forbes Avenue Pittsburgh, PA 15219	City of Pittsburgh Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAD020045	Individual NPDES	Issued	TC Pursuit Services, Inc. 833 East Pittsburgh McKeesport Boulevard North Versailles, PA 15137	North Versailles Township Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC100220	PAG-02 General Permit	Issued	Far View Farms LLC 1272 Mars Evans City Road Evans City, PA 16033	Adams Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD690002	New	Issued	PADEP/BAMR 400 Market Street 13th Floor P.O. Box 69205 Harrisburg, PA 17106-9205	West Branch Township Potter County	Bureau of Abandoned Mine Reclamation 400 Market Street 13th Floor P.O. Box 69205 Harrisburg, PA 17106-9205
PAC690008	New	Issued	PADEP—Bureau of Abandoned Mine Reclamation Monongahela South # 1— AMLF No. 3803-03 425 Park Avenue Monongahela, PA 15063	Monongahela City Washington County	Bureau of Abandoned Mine Reclamation 400 Market Street 13th Floor P.O. Box 69205 Harrisburg, PA 17106-9205
PAD090067	Individual NPDES	Issued	Pennsylvania Turnpike Commission 700 S. Eisenhower Blvd Middletown, PA 17057	Milford & West Rockford Townships Bucks County Salford Township Montgomery County	Regional Permit Coordination Office (RPCO) Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Nelson Ziegler Nelson Ziegler Poultry Operation 1660 N State Route 934 Annville, PA 17003	Lebanon	104	296.78	Broiler	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).

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. 3520506MA, Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Township	Roaring Brook Township
County	Lackawanna
Type of Facility	PWS
Consulting Engineer	Richard Dudek, P.E. PAWC 2699 Stafford Avenue Scranton, PA 18505
Permit to Construct Issued	May 12, 2021

Permit No. 3520507MA, Construction Permit, Public Water Supply.

Applicant	Pennsylvania American Water Company 2699 Stafford Avenue Scranton, PA 18505
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Municipality	North Abington Township
County	Lackawanna
Type of Facility	Public Water Supply
Consulting Engineer	Doug Berg, P.E. Entech Engineering, Inc. 201 Penn Street P.O. Box 32 Reading, PA 19603
Permit to Construct Issued	May 13, 2021
Description of Action	Lake Scranton Water System— Ivy Tank No. 2

Permit No. 2640048, Operation Permit, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 Lancaster Avenue Bryn Mawr, PA 19010
Municipality	Lake Township
County	Wayne
Type of Facility	Public Water Supply
Consulting Engineer	Daniel Hopkins, P.E. Entech Engineering, Inc. 500 N. Center Street Pottsville, PA 17901
Permit Issued	May 13, 2021
Description of Action	Paupacken Lake Estates Well 5A

Permit No. 2450484, Operation Permit, Public Water Supply.

Applicant	Water Gap Acquisitions Partners 288 Mountain Road Delaware Water Gap, PA 18327
Municipality	Smithfield Township
County	Monroe
Type of Facility	Public Water Supply
Consultant	Michael W. Weeks, P.E. McGoey, Hauser & Edsall 111 Wheatfield Drive, Suite 1 Milford, PA 18337
Permit Issued	April 29, 2021

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

Operations Permit issued to: **Good Grace Tempo Village, LLC**, 130 East Canal Street, Williamsport, PA 17701, **PWSID No. 4410002**, Lycoming Township, **Lycoming County** on May 20, 2021 for the operation of facilities approved under construction permit # 4190502-T1, 4107501-T1, MA(5/3/2011)-T1 and MA(2/1/2021)-T1. This transfers the permits 4190502-T1, 4107501-T1, MA(5/3/2011)-T1 and MA(2/1/2021)-T1 from American Tempo Village to Good Grace Tempo Village, LLC. Note, PWS Permit No. 4107501-T1 no longer includes the permitting of finished water storage.

Operations Permit issued to: **Borough of Howard**, 146 Black Street, Howard, PA 16841, **PWSID No. 4140080**, Howard Borough, **Centre County** on May 20, 2021 for the operation of facilities approved under construction permit # 1421501MA. This permit authorizes the Borough of Howard to operate a 3" Octave® Ultrasonic

Meter, or equivalent flow meter that is certified for conformance with ANSI/NSF Standard 61, to measure the flow from Well No. 3.

Operations Permit issued to: **Penn State University**, 209 Water Treatment Plant, University Park, PA 16802-1118, **PWSID No. 4140095**, College Township, **Centre County** on May 17, 2021 for the operation of facilities approved under construction permit # 1419505. This permit is a major amendment of the recent upgrades to the Penn State Filtration Plant.

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 (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Atlantic Track & Turnout—Tension Envelope Property, 18 Tension Way, Pottsville, PA 17901, East

Norwegian Township, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Atlantic Track & Turnout Company, Inc., 400 Broadacres Dr., Suite 415, Bloomfield, NJ 07003, submitted a Final Report concerning remediation of soil contaminated by releases of lubricating oil. The report is intended to document remediation of the site to meet Statewide health standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

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

5813 Little Ireland Road, 5813 Little Ireland Road, Starrucca, PA 18465, Thompson Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Gloria Magnus, 5813 Little Ireland Road, Starrucca, PA 18465 submitted a Final Report concerning remediation of soil contaminated by a release of gasoline from an aboveground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on May 20, 2021.

AIR QUALITY

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

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

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

GP11-40-032: Pennsy Supply Inc. (2400 Thea Drive, Harrisburg, PA 17110) on May 19, 2021, to operate non road I C Engines at the facility located in Dorrance Township, **Luzerne County**.

GP3-40-032: Pennsy Supply Inc. (2400 Thea Drive, Harrisburg, PA 17110) on May 19, 2021, to operate a portable stone crushing plant at the facility located in Dorrance Township, **Luzerne County**.

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

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

AG5A-08-00007A: Chesapeake Appalachia, LLC (P.O. Box 18496, Oklahoma City, OK 73154) on May 19, 2021, received authorization to construct and operate new sources and continue operating other sources consisting of one new (1) 1,380 bhp 2014 model year Caterpillar G3516B four-stroke lean-burn, natural gas-fired compressor engine equipped with an Emit Technologies catalytic oxidizer, four (4) Separators, one (1) Qnergy model 5650 0.17 MMBtu Stirling engine electric power generator, one (1) 16,800 gal (400 bbl) produced water storage tank, multiple pneumatic devices, periodic venting and blowdowns, site fugitive emissions and tank liquid loading emissions pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at their Ferraro BRA Well Pad Site located in Terry Township, **Bradford County**.

GP3-57-057B: Jack L. McClintock (15222 Route 220 Highway, Muncy Valley, PA 17758) on May 21, 2021, received authorization to construct and operate a portable 250 ton per hour Pioneer model 26x49 crusher, a portable 250 ton per hour TESAB model 1012T crusher, a 125 ton per hour Extec model 5000S vibratory screen, a 250 ton per hour McCloskey model R155 vibratory screen, a 250 ton per hour McCloskey model S190 vibratory screen and a 500 ton per hour McCloskey model ST-80 stacker plant pursuant to the General Plan Approval and/or

General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)) at their Shrewsbury Pit # 2 Quarry located in Shrewsbury Township, **Sullivan County**.

GP9-57-057B: Jack L. McClintock (15222 Route 220 Highway, Muncy Valley, PA 17758) on May 21, 2021, received authorization to continue operation of one (1) 250 brake horsepower (bhp) diesel-fired, Cummins model 46218424 engine, one (1) 440 bhp diesel-fired, Caterpillar model C13 engine, two (2) 129 bhp diesel-fired Caterpillar model C4.4 engines, one (1) 100 bhp diesel-fired Deutz model TCD2012L04 2V engine and one (1) 49 bhp diesel-fired Kubota engine pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at their Shrewsbury Pit # 2 Quarry located in Shrewsbury Township, **Sullivan County**.

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

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

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

09-0249: Pet Meadow (6 Steel Road, Morrisville, PA 19067) on May 19, 2021 for installation of four (4) pet crematories at a new facility to be located in Falls Township, **Bucks County**.

46-0299: Innovation 411 Fee Owner, LLC (411 Swedeland Road, King of Prussia, PA 19406) on May 20, 2021 for the installation of two (2) 2,000-kW diesel fuel-fired electric generators and the decommissioning and removal of two existing 1,600-kW electric generators at Building # 32 at their multi-tenant commercial property used for R&D office and finance located in Upper Merion Twp., **Montgomery County**.

46-0005AY: Merck Sharp & Dohme Corp (770 Sumneytown Pike, West Point, PA 19486-0004) on May 20, 2021 to build Building 50 with good manufacturing practice (GMP) space, to use cleaners and disinfectants that contain volatile organic compounds in the GMP areas, and to install a 2,500-kW natural gas-fired non-emergency generator at an existing permitted Title V facility in Upper Gwynedd Township, **Montgomery 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.

09-0142F: Bank of America National Association (35 Runaway Drive, Levittown, PA 19057-4700) on May 11, 2021 for the revision of the monitoring and reporting condition language pertaining to the pressure drop limits applicable to Source ID(s): 101 and 102 to comply with 40 CFR 63, Subpart ZZZZ and to establish the intent to

use these revisions as indicators of proper catalyst maintenance at their data center facility in Bristol Township, **Bucks County**.

15-0104E: Flowers Banking Co of Oxford, Inc. (700 Lincoln Street, Oxford, PA 19369-1529) on May 13, 2021, an extension for the installation of a new burn oven. Emissions will be controlled by a catalytic oxidizer with a 95% control in Oxford Borough, **Chester County**.

46-0037AD: Global Advanced Metals USA, Inc. (P.O. Box 1608, County Line Road, Boyertown, PA 19512-6608) on May 19, 2021 an extension for the source modification for operational options, in Douglass Township, **Montgomery County**.

15-0081C: Johnson Matthey Inc. (1404 King Road, West Chester, PA 19380-1467) on May 19, 2021 an extension to allow modification to the existing Metal Melt Rom (Source ID: 101) and the installation of wet and dry scrubbers (chlorine scrubber) in Whiteland Township, **Chester County**.

09-0053C: Greif Packaging, LLC (685 Louis Drive, Warminster, PA 18974-2825) on May 20, 2021 an extension for the installation and temporary operation and shakedown of a new steel drum exterior paint spray boot and enclosure in Warminster Township, **Bucks County**.

09-0210B: Waste Management PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067-3704) on May 20, 2021 an extension for the temporary operation and shakedown of three (3), 6,000 SCFM ultra low emission flares to combust the landfill gas collected from GROWS, GROWS North, and Fairless Landfills, and for the installation of two (2) related emergency generator engines in Falls Township, **Bucks County**.

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

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

06-05069V: East Penn Manufacturing Co., Inc. (P.O. Box 147, Lyon Station, PA 19536) on May 18, 2021, for modifying the Industrial Facility production lines at the lead-acid battery assembly plant located in Richmond Township, **Berks County**. Plan Approval 06-05069V is for installation and startup of pieces of equipment controlled by fabric filters and mist eliminators. The plan approval was extended.

50-05001A: Texas Eastern Transmission/Shermans Dale (425 Texas Eastern Road, Shermans Dale, PA 17090) on May 18, 2021, for the construction of two (2) new natural gas-fired simple cycle turbines at the Shermans Dale Compressor Station located in Carroll Township, **Perry County**. These new turbines will replace two (2) GE turbines. The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current 440 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp emergency, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallon separator vessels used to collect pipeline liquids. The plan approval was extended.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

26-00588B: Laurel Mountain Midstream Operating, LLC (2000 Commerce Dr., Pittsburgh, PA 15275) extension effective May 28, 2021, to extend the period of installation and continued temporary operation of three (3) compressor engines, two (2) gas-fired turbines, one (1) emergency generator, two (2) dehydrators, two (2) reboilers, one (1) glycol processing unit, and five (5) produced water storage tanks authorized under plan approval PA-26-00588B, until November 28, 2021, at Shamrock Compressor Station located in German Township, **Fayette County**.

30-00072H: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension effective on May 28, 2021, with expiration date of November 28, 2021, to extend the period of temporary operation for sources and controls associated with the Bailey Prep Plant expansion located in Richhill Township, **Greene County**.

30-00072I: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension effective on May 28, 2021, with expiration date of November 28, 2021, to extend the period of temporary operation for sources and controls associated with the Enlow Fork Overland Conveyor located in Richhill Township, **Greene County** and East Finley Township, **Washington County**.

30-00089D: Eastern Gas Transmission and Storage, Inc. (6603 West Broad Street, Richmond, VA 23220) for Extension effective May 28, 2021, to extend the period of construction and temporary operation of two natural gas-fired compressor turbines controlled by an oxidation catalyst, microturbine generators, boiler, one produced fluids storage tank, 2,500 gallon capacity; one lube oil tank, 1,000 gallon capacity; and piping components in natural gas service authorized under PA-30-00089D, until November 28, 2021, at the Crayne Compressor Station located in Franklin Township, **Greene County**.

63-00629: Hanson Aggregates Pennsylvania, LLC (2200 Springfield Pike, Connellsville, PA 15033) on May 19, 2021 an Administrative Amendment to change the name of the ownership from Hanson Aggregates BMC, Inc. to Hanson Aggregates Pennsylvania, LLC in the State Only Operating Permit (SOOP). The Dunningville Asphalt Plant located in Somerset Township, **Washington County**.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

23-00037: Sunoco Partners Marketing & Terminals, LP—Fort Mifflin Terminal (4 Hog Island Road, Fort Mifflin, PA 19153) on May 12, 2021, a Title V Operating Permit renewal for a marine terminal used for the loading and unloading of tankers and barges containing various petroleum products at their location in Tincum Township, **Delaware County**.

09-00024: Waste Management of PA, Inc. (1000 New Ford Mill Rd., Morrisville, PA 19067) on May 21, 2021 the

Title V Operating Permit renewal for its landfill located in Tullytown Borough, **Bucks County**.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00269: IPX 2201 Renaissance Investors, LLC (previously owned and operated by hibü, Inc.), 2201 Renaissance Boulevard, King of Prussia, PA 19406, on May 12, 2021, a Synthetic Minor State Only Operating Permit renewal for a 1.5 MW emergency generator engine at their office building located in Upper Merion Township, **Montgomery County**.

23-00030: Swarthmore College (500 College Avenue, Swarthmore, PA 19081) on May 12, 2021 a Synthetic Minor State Only Operating Permit renewal for the operation of boilers and emergency generators on their college campus located in Swarthmore Borough, **Delaware County**.

46-00200: John Middleton Co. (418 West Church Rd., King of Prussia, PA 19406) on May 19, 2021 a Synthetic Minor State Only Operating Permit renewal for the operation of sources at their pipe tobacco and cigar manufacturing facility located in King of Prussia, Upper Merion Twp., **Montgomery County**.

46-00019: Lockheed Martin Corporation (230 Mall Blvd., King of Prussia, PA 19406) on May 21, 2021 a Synthetic Minor State Only Operating Permit renewal for the operation of boilers, generators, and lab equipment located in Upper Merion Township, **Montgomery County**.

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

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

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

46-00005: Merck, Sharp & Dohme, Corp. (770 Sumneytown Pike, West Point, PA 19486-0004) for a minor modification of TVOP No. 46-0005 for the facility located in Upper Gwynedd Township, **Montgomery County**. The minor modification modifies conditions applicable to Source ID 045 (Boiler 10), specifically regarding the operation of the Hypermix ring. The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Minor modification of TVOP No. 46-00005 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

15-00010: Cleveland Cliffs Plate, LLC (139 Modena Rd, Coatesville, PA 19320-4036) on May 20, 2021 for transfer of ownership from Arcelor Mittal to Cleveland Cliffs Plate, LLC as well as paragraph (c) of Section D, Source ID No. 055, Condition # 005 was amended at the

facility located in Coatesville City, **Chester County**. The Administrative Amendment of the State-Only Operating Permit for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00011: Cleveland Cliffs Plate, LLC (900 Conshohocken Rd, P.O. Box 842, Conshohocken, PA 19428-1038) on May 20, 2021 for transfer of ownership from Arcelor Mittal to Cleveland Cliffs Plate, LLC at the facility located in Plymouth Township, **Montgomery County**. The Administrative Amendment of the State-Only Operating Permit for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

04-00731: U.S. Electrofused Minerals, Inc. (600 Steel Street, Aliquippa, PA 15001) administrative amendment, issued on May 12, 2021, to change the facility contact person from Homer A. Foster, Technical Manager to John Gulakowski, Industrial Manager. U.S. Electrofused Minerals, Inc. performs crushing, sizing, packaging, and distribution operations of brown aluminum oxide products at its location in Aliquippa City, **Beaver County**.

65-00143: Hanson Aggregates Pennsylvania LLC/Torrance Quarry (2200 Springfield Pike, Connellsville, PA 15425-6412) administrative amendment, issued on May 12, 2021, to update the facility owner from “Hanson Aggregates BMC, Inc.” to “Hanson Aggregates Pennsylvania LLC”. Hanson operates a limestone processing plant in Derry Township, **Westmoreland 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

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

Permit No. 56140103 and NPDES No. PA0279315. Fieg Brothers, P.O. Box 38, Berlin, PA 15530, renewal of a bituminous surface and auger mine in Southampton and Fairhope Townships, **Somerset County**, affecting

291.3 acres. Receiving streams: unnamed tributaries to Wills Creek to Potomac River classified for the following use: high-quality cold-water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 9, 2021. Permit issued: May 19, 2021.

Permit No. 56140104 and NPDES No. PA0279636. Fieg Brothers, P.O. Box 38, Berlin, PA 15530, renewal of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 79.5 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek and Buffalo Creek to Casselman River classified for the following uses: cold water fishes and warm water fishes. The first downstream potable water supply intake from the point of discharge is Youghiogheny River. Application received: February 9, 2021. Permit issued: May 19, 2021.

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

Permit No. 17090102 and NPDES PA0257052. RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Permit renewal for reclamation only of a bituminous surface mine in Decatur Township, **Clearfield County** affecting 259.4 acres. Receiving stream(s): Little Laurel Run to Moshannon Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: December 7, 2020. Permit issued: May 13, 2021.

Permit No. 17120101 and NPDES PA0257893. RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Permit renewal for continued operation and restoration of a bituminous surface coal mine located in Ferguson Township, **Clearfield County** affecting 55.0 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River to West Branch Susquehanna River classified for the following use(s): CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 4, 2020. Permit issued: May 13, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Contract No. 26-19-01 and NPDES Permit No. PA0278475. Stash Mining, LLC, 675 Old Route 51, Waltersburg, PA 15488. Government Financed Construction Contract issued for reclamation of approximately 14.0 acres of abandoned mine lands located in Franklin Township, **Fayette County**. Receiving streams: unnamed tributary to Redstone Creek. Application received: July 17, 2020. Contract issued: May 20, 2021.

Noncoal Permits Issued

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

Permit No. 44030302 and NPDES Permit No. PA0224294, Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803, renewal of an NPDES permit, located in Armagh Township, **Mifflin County**. Receiving stream: Honey Creek, classified for the following use: high-quality cold-water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2021. Permit issued: May 19, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 63100401 and NPDES Permit No. PA0252034. Neiswonger Construction, Inc., 17592 Route 322, Strattanville, PA 16258. Revision application to add 5.9 acres to the surface mine permit for an additional 3 acres of mining to an existing bituminous noncoal surface mine, located in Deemston Borough, **Washington County**, affecting 74.2 acres. Receiving streams: unnamed tributaries to Ten Mile Creek and Ten Mile Creek, classified for the following use: TSF. Tri-County Joint Municipal Authority is the potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 30, 2020. Permit revision issued: May 20, 2021.

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

Permit No. 7976SM1C11 and NPDES Permit No. PA0118389. Eureka Stone Quarry, Inc., P.O. Box 249, Chalfont, PA 18914, renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Warrington Township, **Bucks County**. Receiving stream: unnamed tributary to Neshaminy Creek. Application received: August 16, 2019. Renewal issued: May 18, 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

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

Permit No. 08214105. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015. Blasting for construction of the SGL-12 L South Gas Well Pad located in Leroy Township, **Bradford County** with an expiration date of May 18, 2022. Permit issued: May 19, 2021.

Permit No. 08214104. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015. Blasting for construction of the SGL-12 L&M Well Pad Borrow Pit located in Leroy Township, **Bradford County** with an expiration date of May 18, 2022. Permit issued: May 21, 2021.

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

Permit No. 52214101. Explosive Services, Inc., 7 Pine Street, Bethany, PA 18431, construction blasting for SR 2001 Road Safety Project in Delaware and Lehman Townships, **Pike County** with an expiration date of May 14, 2022. Permit issued: May 19, 2021.

Permit No. 40214110. Hayduk Enterprises, Inc., 257 Riverside Drive, Factoryville, PA 18419, construction blasting for Hazleton Business Park in the City of Hazleton, **Luzerne County** with an expiration date of September 30, 2021. Permit issued: May 20, 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.

Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.

E0207220-038; ETC Northeast Pipeline, LLC, 6051 Wallace Road Extension, Third Floor, Wexford, PA 15090, Findlay Township, **Allegheny County**, Center, Conway, Independence, New Sewickley, Racoon Township(s), **Beaver County**, Jackson Township, **Butler County**, Robinson, Smith Townships, **Washington County**, ACOE Pittsburgh District.

The Revolution Pipeline project was originally permitted to install a 40.5-mile-long, 24-inch diameter steel natural gas pipeline that connects wells in Butler and Beaver counties to a natural gas processing facility in Washington County, PA. This application is for the proposed restoration and on-site mitigation of aquatic resources impacted by the initial Revolution Pipeline construction, slope failures along the Revolution Pipeline ROW and the reconstruction of slope failures along the Revolution Pipeline ROW, the use of off-site mitigation for permanent impacts that cannot be restored on-site, unavoidable impacts to waters associated with landslide remediation and slope stabilization, and temporary impacts to waters for access for restoration and remediation activities.

The project is located within the Aliquippa, Baden, Beaver, Clinton, Evans City and Zelienople USGS 7 1/2 Minute Quadrangle Map.

See E0407220-023; E1007220-026 and E6307220-027 for additional impacts associated with this project.

On December 12, 2020, the Department of Environmental Protection published the receipt of an application for the proposed restoration and on-site mitigation of aquatic resources impacted by the initial Revolution Pipeline construction, slope failures along the Revolution Pipeline ROW and the reconstruction of slope failures along the Revolution Pipeline ROW, the use of off-site mitigation for permanent impacts that cannot be restored on-site, unavoidable impacts to waters associated with landslide remediation and slope stabilization, and temporary impacts to waters for access for restoration and remediation activities in the *Pennsylvania Bulletin* [50 Pa.B. 7028]. This public notice was pursuant to 25 Pa. Code Chapter 105.21a. The December 12, 2020 notice appeared under a heading related to Chapter 102 of the Department's regulations. However, this application was received 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 Requests for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

<i>Nearest Station Location</i>	<i>Structure / Activity Unique Identifier</i>	<i>Aquatic Resource Type</i>	<i>Latitude dd mdd83</i>	<i>Longitude dd mdd83</i>	<i>Waters Name</i>	<i>Pa. Code Chapter 93 Designation</i>	<i>Work Proposed⁽¹⁾</i>	<i>DEP Impact Type Temp/Perm</i>	<i>Watercourse Impact Linear foot (along channel) x Width (Top of Banks) Length and Width (feet)</i>	<i>Floodway Impact Top of Bank Landward Length and Width (feet) Area (square feet)</i>	<i>Wetland Impact Length and Width (feet) Area (square feet)</i>
TAR 1803+00	GP-ACCESS-Stream 77-1	Intermittent	40.481894	-80.347035	UNT to Trib 33757 to Potato Garden Run	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	26 x 1 ft. 26 s.f.	100 x 57 ft. 5,700 s.f.	NA
1817+00	Stream 9-127	Ephemeral	40.477837	-80.344343	UNT to Potato Garden Run	WWF	Grading w/in stream channel and floodway for restoration	Temp	13 x 5 ft. 40 s.f.	31 x 14 ft. 217 s.f.	NA
1821+00	Stream 9-128 # 3	Perennial	40.476953	-80.344278	Potato Garden Run	WWF	Slope Repair	Temp	0	83 x 11 ft. 417 s.f.	NA
1821+00	OUT-Stream 9-128	Perennial	40.476356	-80.343834	Potato Garden Run	WWF	Outfall	Perm	0	4 x 8 ft. 32 s.f.	NA
1823+00	Stream 9-128 # 1	Perennial	40.476368	-80.343551	Potato Garden Run	WWF	Slope Repair	Temp	100 x 12 ft. 1211 s.f.	160 x 30 ft. 5180 s.f.	NA
1823+00	Stream 9-128 # 2	Perennial	40.476338	-80.343630	Potato Garden Run	WWF	Vegetated Riprap	Perm	5 x 124 ft. 618 s.f.	20 x 141 ft. 2,830 s.f.	NA
1822+00	GP-ACCESS-Stream 9-128	Perennial	40.476691	-80.344040	Potato Garden Run	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	48 x 20 ft. 819 s.f.	231 x 20 ft. 4,292 s.f.	NA
1842+60	Wetland W-20200414-1417-CWI-A	PEM	40.473019	-80.340172	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	54 x 24 ft. 566 s.f.
1843+00	Stream 11-33	Ephemeral	40.472979	-80.340132	UNT to Potato Garden Run	WWF	Grading w/in stream channel and floodway for restoration	Temp	22 x 4 ft. 86 s.f.	14 x 6 ft. 41 s.f.	NA
1843+00	Stream 13-4	Ephemeral	40.473128	-80.340158	UNT to Potato Garden Run	WWF	Grading w/in stream channel and floodway for restoration	Temp	97 x 1 ft. 97 s.f.	89 x 81 ft. 4,856 s.f.	NA

<i>Nearest Station Location</i>	1843+00	<i>Structure / Activity Unique Identifier</i>	Stream 11-32	<i>Aquatic Resource Type</i>	Perennial	<i>Latitude dd mm83</i>	40.473104	<i>Longitude dd mm83</i>	-80.339778	<i>Waters Name</i>	UNT to Potato Garden Run	<i>Pa. Code Chapter 93 Designation</i>	WWF	<i>Work Proposed⁽¹⁾</i>	Temporary Disturbance for Bank Stabilization and Pump Around Discharge	<i>DEP Impact Type Temp/Perm</i>	Temp	<i>Watercourse Impact Linear foot (along channel) x Width (Top of Banks) Length and Width (feet)</i>	62 x 12 ft. 531 s.f.	<i>Floodway Impact Top of Bank Landward Length and Width (feet) Area (square feet)</i>	126 x 101 ft. 6,098 s.f.	<i>Wetland Impact Length and Width (feet) Area (square feet)</i>	NA
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E0407220-023 ETC Northeast Pipeline, LLC, 6051 Wallace Road Extension, Third Floor, Wexford, PA 15090, Findlay Township, **Allegheny County**, Center, Conway, Independence, New Sewickley, Racoon Township(s), **Beaver County**, Jackson Township, **Butler County**, Robinson, Smith Townships, **Washington County**, ACOE Pittsburgh District.

The Revolution Pipeline project was originally permitted to install a 40.5-mile-long, 24-inch diameter steel natural gas pipeline that connects wells in Butler and Beaver counties to a natural gas processing facility in Washington County, PA. This application is for the proposed restoration and on-site mitigation of aquatic resources impacted by the initial Revolution Pipeline construction, slope failures along the Revolution Pipeline ROW and the reconstruction of slope failures along the Revolution Pipeline ROW, the use of off-site mitigation for permanent impacts that cannot be restored on-site, unavoidable impacts to waters associated with landslide remediation and slope stabilization, and temporary impacts to waters for access for restoration and remediation activities.

The project is located within the Aliquippa, Baden, Beaver, Clinton, Evans City and Zelienople USGS 7 1/2 Minute Quadrangle Map.

See E0207220-038; E1007220-026 and E6307220-027 for additional impacts associated with this project.

On December 12, 2020, the Department of Environmental Protection published the receipt of an application for the proposed restoration and on-site mitigation of aquatic resources impacted by the initial Revolution Pipeline construction, slope failures along the Revolution Pipeline ROW and the reconstruction of slope failures along the Revolution Pipeline ROW, the use of off-site mitigation for permanent impacts that cannot be restored on-site, unavoidable impacts to waters associated with landslide remediation and slope stabilization, and temporary impacts to waters for access for restoration and remediation activities in the *Pennsylvania Bulletin* [50 Pa.B. 7028]. This public notice was pursuant to 25 Pa. Code Chapter 105.21a. The December 12, 2020 notice appeared under a heading related to Chapter 102 of the Department's regulations. However, this application was received 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 Requests for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Nearest Station Location	Structure / Activity Unique Identifier	Aquatic Resource Type	Latitude dd mm83	Longitude dd mm83	Waters Name	Pa. Code Chapter 93 Designation	Work Proposed ⁽¹⁾	DEP, Impact Type Temp/Perm	Watercourse Impact Linear foot (along channel) x Width (Top of Banks) Length and Width (feet)	Floodway Impact Top of Bank Landward Length and Width (feet) Area (square feet)	Wetland Impact Length and Width (feet) Area (square feet)
371+00	ACCESS- Wetland 25-H	PEM	40.735009	-80.152566	NA	NA	Temporary equipment access >200ft	Temp	NA	NA	414 x 20 ft. 7,144 s.f.
371+00	Wetland 25-H	PEM	40.735243	-80.152234	NA	NA	Waterbar Removal	Temp	NA	NA	67 x 15 ft. 945 s.f.
388+00	Wetland W-20200423-1005- CWI	PEM	40.731817	-80.155131	NA	NA	Waterbar Removal	Temp	NA	NA	46 x 15 ft. 535 s.f.
396+00	Wetland 10-G # 1	PSS	40.730960	-80.157992	NA	NA	Temporary Disturbance for Perimeter Erosion Control for Abutting Restoration	Temp	NA	NA	7 x 285 ft. 871 s.f.
394+20	GP-ACCESS- Wetland 10-G # 2	PEM	40.731132	-80.157488	NA	NA	GP-8 Temporary equipment crossing (timber mat)	Temp	NA	NA	21 x 12 ft. 190 s.f.
396+00	Stream 9-94	Perennial	40.731137	-80.157849	UNT 34822 to Brush Creek	WWF	Grading w/in floodway for restoration	Temp	0	155 x 32 ft. 3,920 s.f.	NA
413+00	Wetland 1-C	PEM	40.728722	-80.162994	NA	NA	Temporary Disturbance for Perimeter Erosion Control for Abutting Restoration	Temp	NA	NA	31 x 25 ft. 391 s.f.
415+50	GP-ACCESS- Stream 10-20	Perennial	40.727708	-80.162733	Brush Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	58 x 20 ft. 529 s.f.	131 x 100 ft. 13,108 s.f.	NA

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446+00	GP-ACCESS-Stream 9-43.1	Ephemeral	40.719034	-80.162925	UNT to Trib 34825 to Brush Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	10 x 20 ft 166 s.f.	76 x 100 ft. 7,635 s.f.	NA
452+50	Wetland W-20200327-1250-DWL	PEM	40.717354	-80.162687	Wetland	NA	Slope Repair	Perm	NA	NA	18 x 13 ft. 242 s.f.
452+75	OUT-Stream 9-42	Perennial	40.717309	-80.162798	Tributary 34825 to Brush Creek	WWF	Outfall	Perm	NA	4 x 4 ft. 16 s.f.	NA
453+00	Wetland 9-BZ # 2	PEM	40.717286	-80.162847	Wetland	N/A	Waterbar Removal	Temp	NA	NA	11 x 10 ft. 45 s.f.
453+25	Wetland 9-BZ	PEM	40.717122	-80.162900	NA	NA	Slope repair, removal of slide debris, planting for restoration	Temp	NA	NA	91 x 25 ft. 1,796 s.f.
453+25	Stream 9-42	Perennial	40.717080	-80.162820	Tributary 34825 to Brush Creek	WWF	Slope repair, removal of slide debris and planting for restoration	Temp	90 x 5 ft. 373 s.f.	158 x 75 ft. 11,701 s.f.	NA
459+50	GP-ACCESS-Wetland 2-AL	PEM	40.715472	-80.162935	Wetland	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	5 x 3 ft. 16 s.f.
459+50	GP-ACCESS-Stream 9-68	Perennial	40.715488	-80.162869	Trib 34824 to Brush Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	10 x 20 ft 198 s.f.	75 x 115 ft. 8,619 s.f.	NA

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462+75	GP-ACCESS-Stream 9-72	Perennial	40.714553	-80.162621	UNT to Trib 34824 to Brush Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	5 x 20 ft. 61 s.f.	203 x 100 ft. 20,384 s.f.	NA
463+25	GP-ACCESS-Wetland W-20200327-1126-JWR-C	PEM	40.714509	-80.162586	NA	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	6 x 5 ft. 32 s.f.
470+50	GP-ACCESS-Stream 9-67	Ephemeral	40.712522	-80.162615	UNT to Trib 34825 to Brush Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	4 x 20 ft. 64 s.f.	94 x 100 9,370 s.f.	NA
521+50	Wetland 9-CF	PEM	40.705147	-80.172622	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	212 x 20 ft. 2,831 s.f.
52+50	Stream 9-81	Intermittent	40.704821	-80.172600	UNT to Tributary 36575 to Crows Run	WWF	Grading w/in floodway for restoration	Temp	GP-8 (previously authorized) ¹	67 x 19 ft. 1,310 s.f.	NA
521+50	Stream 9-82	Perennial	40.705591	-80.172675	UNT to Tributary 36575 to Crows Run	WWF	Grading w/in floodway for restoration	Temp	GP-8 (previously authorized) ¹	147 x 140 ft. 10,526 s.f.	NA
527+00	ACCESS-Wetland 9-CF	PEM	40.704315	-80.172555	NA	NA	Temporary equipment access >200ft	Temp	NA	NA	446 x 20 6,724 s.f.
596+25	Stream 11-5	Ephemeral	40.691090	-80.163172	Tributary 36572 to Crows Run	WWF	Grading w/in stream channel and floodway for restoration	Temp	13 x 2 ft. 19 s.f.	45 x 15 ft. 270 s.f.	NA

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639+00	Stream 11-8	Intermittent	40.686788	-80.196138	UNT to Crows Run	WWF	Grading w/in floodway for restoration	Temp	0	54 x 44 ft. 1,950 s.f.	NA
657+50	Wetland W-20200407-0920- DWL-A	PEM	40.686948	-80.202833	NA	NA	Waterbar Removal	Temp	NA	NA	134 x 15 ft. 822 s.f.
684+50	Wetland 13-C	PSS	40.680143	-80.205356	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	12 x 6 ft. 33 s.f.
684+50	Stream 11-12	Perennial	40.680100	-80.205333	Pine Run	WWF	Grading w/in floodway and stream bank stabilization for restoration	Temp	51 x 7 ft. 287 s.f.	140 x 53 ft. 5,860 s.f.	NA
684+50	GP-ACCESS-Stream 11-12	Perennial	40.680107	-80.205286	Pine Run	WWF	GP-8 Temporary Equipment Crossing	Temp	17 x 12 ft. 87 s.f.	33 x 16 ft. 523 s.f.	NA
689+25	Stream 11-30 (Crows Run)	Perennial	40.678985	-80.204919	Crows Run	WWF	Bank Stabilization	Temp	73 x 18 ft. 897 s.f.	69 x 64 ft. 4,473 s.f.	NA
689+25	GP-ACCESS-Wetland W-20200427-1145-DWL	PEM	40.679069	-80.204877	Wetland	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	8 x 19 ft. 203 s.f.
705+75	Stream 9-2-11	Intermittent	40.678460	-80.210577	UNT to Crows Run	WWF	Slope Repair, Bank Stabilization	Temp	88 x 8 ft. 312 s.f.	84 x 100 ft. 5,822 s.f.	NA
707+00	Wetland 28-A	PEM	40.678149	-80.210982	NA	NA	Waterbar Removal	Temp	NA	NA	15 x 13 ft. 173 s.f.
733+00	Stream 2-14	Intermittent	40.677701	-80.220032	UNT to Crows Run	WWF	Slope Repair	Temp	0	112 x 49 ft. 5,515 s.f.	NA

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735+00	Stream 2-15	Ephemeral	40.677737	-80.220654	UNT to Crows Run	WWF	Slope Repair	Temp	0	280 x 40 ft. 11,180 s.f.	NA
764+75	Stream 2-19	Perennial	40.676400	-80.229431	UNT to Crows Run	WWF	Slope Repair and Bank Stabilization	Temp	139 x 5 ft. 608 s.f.	134 x 56 ft. 7,533 s.f.	NA
766+25	Stream 27-1 (78A)	Intermittent	40.676457	-80.229736	UNT to Crows Run	WWF	Slope Repair	Temp	0	29 x 29 ft. 835 s.f.	NA
765+50	Stream 27-1 (78B)	Intermittent	40.676327	-80.230030	UNT to Crows Run	WWF	Slope Repair	Temp	0	49 x 22 ft. 1,078 s.f.	NA
789+00	Crows Run (Stream 2-20) # 1	Perennial	40.673595	-80.237104	Crows Run	WWF	Slope Repair	Temp	154 x 12 ft. 1,894 s.f.	154 x 12 ft. 1,827 s.f.	NA
789+00	Crows Run (Stream 2-20) # 2	Perennial	40.673595	-80.237104	Crows Run	WWF	Vegetated Riprap	Perm	154 x 7 ft. 1,111 s.f.	154 x 4 ft. 676 s.f.	NA
868+00	Stream 60-3	Intermittent	40.669601	-80.262857	UNT to Elkhorn Run	WWF	Slope Repair	Temp	0	18 x 96 ft. 1,710 s.f.	NA
872+00	Stream 2-25	Intermittent	40.669282	-80.264565	UNT to Elkhorn Run	WWF	Slope Repair	Temp	0	33 x 48 ft. 1,578 s.f.	NA
872+00	OUT-Stream S-20200401-1417-DWL	Ephemeral	40.669292	-80.264439	UNT to Elkhorn Run	WWF	Outfall	Perm	0	6 x 6 ft. 36 s.f.	NA
872+00	Stream S-20200401-1417-DWL	Ephemeral	40.669294	-80.264523	UNT to Elkhorn Run	WWF	Slope Repair	Temp	0	55 x 32 ft. 1,780 s.f.	NA
889+00	Stream 2-24 (Elkhorn Run) # 1	Perennial	40.668917	-80.269928	Elkhorn Run	WWF	Slope Repair	Temp	0	155 x 26 ft. 4,097 s.f.	NA
889+50	Stream 2-24 (Elkhorn Run) # 2	Perennial	40.668737	-80.270145	Elkhorn Run	WWF	Grading w/in stream channel and floodway for restoration	Temp	117 x 22 ft. 469 s.f.	270 x 57 ft. 10,846 s.f.	NA
889+50	Wetland W-20200317-1127-DWL	PEM	40.668975	-80.270241	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	14 x 6 ft. 41 s.f.

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962+00	Stream 2-29	Perennial	40.651551	-80.277166	Trib 36549 to Elkhorn Run Floodway	WWF	Slope Repair	Temp	0	87 x 44ft. 3,836 s.f.	NA
962+00	GP-ACCESS-Wetland W-20200330-1546-DWL	PEM	40.651391	-80.277103	Wetland	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	17 x 12 ft. 206 s.f.
972+00	GP-ACCESS-Wetland W-20200330-1615-DWL-B	PEM	40.649212	-80.279033	Wetland	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	20 x 17 ft. 343 s.f.
1046+00	GP-ACCESS-Wetland 2-F	PEM	40.636204	-80.296495	NA	NA	GP-8 Temporary equipment crossing (timber mat)	Temp	NA	NA	61 x 37 ft. 1,045 s.f.
1046+00	Stream 2-9	Perennial	40.636082	-80.296679	NA	WWF	Grading w/in floodway for restoration	Temp	0	93 x 31 ft. 2,614 s.f.	NA
1076+00	Wetland 2-R # 1	PEM	40.629297	-80.303134	NA	NA	Waterbar Removal	Temp	NA	NA	42 x 11 ft. 342 s.f.
1078+00	Wetland 2-R # 2	PEM	40.629207	-80.303192	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	64 x 27 ft. 741 s.f.
1078+00	Stream 2-31	Intermittent	40.629233	-80.303218	Logtown Run	WWF	Grading w/in floodway for restoration	Temp	0	76 x 64 ft. 2,701 s.f.	NA

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1091+00	Stream S-20200418-1236-JWR # 2	Ephemeral	40.626272	-80.305451	UNT to Raccoon Creek	WWF	Temporary floodway impact due to BMP installation for adjacent restoration	Temp	0	67 x 50 ft. 3,240 s.f.	NA
1091+50	GP-ACCESS-Stream 9-135	Ephemeral	40.625485	-80.305623	UNT to Raccoon Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	23 x 20 ft. 298 s.f.	161 x 20 ft. 2,937 s.f.	NA
1097+75	GP-ACCESS-Stream 9-138	Intermittent	40.624625	-80.306145	UNT to Raccoon Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	20 x 2 ft. 40 s.f.	175 x 20 ft. 3,500 s.f.	NA
1097+50	Stream 9-138	Intermittent	40.624694	-80.306228	UNT to Raccoon Creek	WWF	Grading w/in stream channel and floodway for restoration	Temp	80 x 2 ft. 180 s.f.	79 x 48 ft. 2,625 s.f.	NA
1096+75	GP-ACCESS-Stream 9-137	Intermittent	40.624816	-80.306083	UNT to Raccoon Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	0	58 x 20 ft. 1,150 s.f.	NA
1097+50	Stream 9-137	Intermittent	40.624722	-80.306008	UNT to Raccoon Creek	WWF	Grading w/in stream channel and floodway for restoration	Temp	44 x 7 ft. 123 s.f.	59 x 52 ft. 1,930 s.f.	NA
1094+50	GP-ACCESS-Stream 9-136	Perennial	40.625450	-80.305642	UNT to Raccoon Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	8 x 20 ft. 156 s.f.	163 x 20 ft. 2,746 s.f.	NA

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1097+50	Stream 9-136 (RP-108)	Perennial	40.624532	-80.305920	UNT to Raccoon Creek	WWF	Grading w/in stream channel and floodway for restoration	Temp	20 x 10 ft. 21 s.f.	103 x 53 ft. 4,801 s.f.	NA
1103+00	Stream 9-136 (RP-108A)	Perennial	40.623120	-80.306449	UNT to Raccoon Creek	WWF	grading w/in stream channel and floodway for restoration	Temp	13 x 3 ft. 21 s.f.	50 x 50 ft. 2,587 s.f.	NA
1113+00	OUT-Stream S-20200402-1440-DWL	Ephemeral	40.621966	-80.309829	UNT to Raccoon Creek	WWF	Outfall	Perm	24 x 4 ft. 96 s.f.	25 x 43 ft. 1,072 s.f.	NA
1113+00	Stream S-20200402-1440-DWL	Ephemeral	40.621966	-80.309829	UNT to Raccoon Creek	WWF	Slope Repair	Temp	0	25 x 43 ft. 1,072 s.f.	NA
1121+75	OUT-Stream 13-109	Ephemeral	40.620813	-80.312694	UNT to Raccoon Creek	WWF	Outfall	Perm	25 x 6 ft. 150 s.f.	25 x 106 ft. 2,650 s.f.	NA
1124+50	OUT-Stream 9-10-24	Perennial	40.621210	-80.313836	Trib 33581 to Raccoon Creek	WWF	Outfall	Perm	0	9 x 13 ft. 117 s.f.	NA
1124+50	Stream 9-10-24	Perennial	40.621210	-80.313836	Trib 33581 to Raccoon Creek	WWF	Slope Repair	Temp	0	219 x 49 ft. 10,730 s.f.	NA
1169+50	Stream 9-29	Intermittent	40.616603	-80.329037	UNT to Raccoon Creek	WWF	Slope Repair	Temp	0	113 x 34 ft. 3,859 s.f.	NA
1169+50	OUT-Stream 9-28 (Raccoon Creek)	Perennial	40.616658	-80.329217	Raccoon Creek	WWF	Outfall	Perm	0	68 x 6 ft. 402 s.f.	NA
1169+50	Stream 9-28 (Raccoon Creek)	Perennial	40.616733	-80.329192	Raccoon Creek	WWF	Slope Repair	Temp	0	63 x 123 ft. 7,642 s.f.	NA
1193+00	Wetland 9-AG (2-AG)	PEM	40.611579	-80.330028	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	115 x 37 ft. 3,013 s.f.

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1197+00	GP-ACCESS-Wetland 20200421-1215-CWI	PEM	40.610475	-80.330144	NA	NA	GP-8 Temporary Equipment Access	Temp	NA	NA	144 x 41 ft. 3,920 s.f.
1213+00	OUT-Stream 37-1	Ephemeral	40.607685	-80.325821	UNT to Trib 33580 to Raccoon Creek	WWF	Outfall	Perm	0	60 x 25 ft 1,500 s.f.	NA
1213+00	Stream 9-113	Perennial	40.606406	-80.327059	Trib 33580 to Raccoon Creek Floodway	WWF	Slope Repair	Temp	0	54 x 38 ft 2,070 s.f.	NA
1213+00	OUT-Stream 9-113	Perennial	40.606457	-80.327048	Trib 33580 to Raccoon Creek Floodway	WWF	Outfall	Perm	0	4 x 4 ft 16 s.f.	NA
1213+00	Stream 9-112	Ephemeral	40.606797	-80.327088	UNT to Trib 33580 to Raccoon Creek	WWF	Slope Repair	Temp	0	134 x 53 ft 7,066 s.f.	NA
1213+00	OUT-Stream 9-112 # 1	Ephemeral	40.606553	-80.327039	UNT to Trib 33580 to Raccoon Creek	WWF	Outfall	Perm	0	4 x 4 ft 16 s.f.	NA
1213+00	OUT-Stream 9-112 # 2	Ephemeral	40.606589	-80.327032	UNT to Trib 33580 to Raccoon Creek	WWF	Outfall	Perm	0	4 x 4 ft 16 s.f.	NA
1213+00	Stream 9-112.1	Intermittent	40.606808	-80.326991	UNT to Trib 33580 to Raccoon Creek	WWF	Slope Repair	Temp	0	59 x 24 ft. 1,431 s.f.	NA
1213+00	OUT-Stream 9-112.1	Intermittent	40.606858	-80.327001	UNT to Trib 33580 to Raccoon Creek	WWF	Outfall	Perm	0	4 x 4 ft 16 s.f.	NA

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1216+00	Stream 9-114	Perennial	40.606293	-80.327474	UNT to Trib 33580 to Raccoon Creek Floodway	WWF	Slope Repair	Temp	0	95 x 41 ft. 3,892 s.f.	NA
1212+00	Wetland W-20200403-1342-DWL	PEM	40.607442	-80.327084	NA	NA	Slope Repair	Perm	NA	NA	24 x 23 ft. 549 s.f.
1215+00	Wetland W-20200403-1114-DWL	PEM	40.606675	-80.327267	NA	NA	Slope Repair	Perm	NA	NA	16 x 11 ft. 175 s.f.
1265+50	Stream 9-63	Perennial	40.593311	-80.328129	Frames Run	WWF	Slope Repair, Grading w/in stream channel and floodway for restoration	Temp	373 x 15 ft. 5,591 s.f.	315 x 100 ft. 31,505 s.f.	NA
1267+00	Wetland 73-D	PEM	40.592974	-80.327675	NA	NA	Temporary impact due to pump-around and coffer dam installation for adjacent stream restoration	Temp	NA	NA	21 x 5 ft. 49 s.f.
1305+00	Stream 9-164	Ephemeral	40.585055	-80.333557	UNT to Tributary 33594 to Service Creek	WWF	Grading w/in stream channel and floodway for restoration	Temp	111 x 15 ft. 848 s.f.	174 x 93 ft. 10,644 s.f.	NA
1305+00	Wetland W-20200421-1025-JWR	PEM	40.584982	-80.333651	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	12 x 9 ft. 91 s.f.
1312+00	Stream 9-162	Perennial	40.584505	-80.335892	Trib 33594 to Service Creek	WWF	Slope Repair	Temp	0	145 x 52 ft. 7,561 s.f.	NA

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1350+50	Stream 9-2-34	Perennial	40.576691	-80.334797	UNT to Service Creek	WWF	Slope Repair	Temp	0	108 x 14 ft. 1,532 s.f.	NA
1350+50	OUT-Stream 9-2-34	Perennial	40.576522	-80.334857	UNT to Service Creek	WWF	Outfall	Perm	0	4 x 3 ft. 12 s.f.	NA
1363+00	GP-ACCESS- Wetland W-20200415-1132-JWR-C	PEM	40.575010	-80.331003	wetland	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	67 x 26 ft. 963 s.f.
1370+00	Stream 9-151	Ephemeral	40.573296	-80.331826	UNT to Service Creek	WWF	Grading w/in stream channel and floodway for restoration	Temp	140 x 11 ft. 1343 s.f.	97 x 71 ft. 4,791 s.f.	NA
1370+00	Stream 9-152	Perennial	40.573512	-80.332052	UNT to Service Creek	WWF	Grading w/in stream channel and floodway for restoration	Temp	135 x 12 ft. 733 s.f.	120 x 110 ft. 10,060 s.f.	NA
1411+50	Wetland 31-A	PEM	40.562223	-80.330260	NA	NA	Waterbar Removal	Temp	NA	NA	84 x 15 ft. 737 s.f.
1414+00	Wetland 9-EI	PEM	40.561632	-80.329976	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	59 x 40 ft. 1,469 s.f.
1414+00	Stream 9-153	Perennial	40.561537	-80.329957	UNT to Tributary 33659 of Raccoon Creek	WWF	Grading w/in floodway for restoration	Temp	GP-8 (previously authorized) ¹	145 x 70 ft. 5,689 s.f.	NA
1431+00	Wetland 9-EN	PEM	40.558901	-80.334310	NA	NA	Waterbar Removal	Temp	NA	NA	111 x 39 ft. 790 s.f.

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1467+50	ACCESS-Stream 2-36	Perennial	40.551972	-80.34066	Tributary 33660 to Raccoon Creek	WWF	Temporary equipment crossing; fill over culvert exceeds GP threshold	Temp	20 x 17 ft. 348 s.f.	227 x 125 ft. 17,032 s.f.	NA
1495+00	Stream 2-35	Perennial	40.545196	-80.343404	UNT to Obney Run	WWF	Slope Repair, Bank Stabilization	Temp	110 x 11 ft. 1,232 s.f.	99 x 50 ft. 4,969 s.f.	NA
1498+50	Wetland W-20200821-1130-RDM	PEM	40.544223	-80.342971	Wetland	NA	Slope Repair	Perm	NA	NA	3 x 6 ft. 18 s.f.
1539+75	Stream 9-109 (Stream 13-107B)	Perennial	40.534851	-80.351353	UNT to Raccoon Creek	WWF	Slope Repair, Bank Stabilization	Temp	152 x 16 ft. 864 s.f.	154 x 126 ft. 9,810 s.f.	NA
1539+75	Wetland 42-D (RP-151)	PEM	40.534747	-80.351206	NA	NA	Temporary Disturbance for Abutting Channel Restoration	Temp	NA	NA	146 x 31 ft. 1,801 s.f.
1569+50	Wetland 27-I	PEM	40.528063	-80.351112	NA	NA	Waterbar Removal	Temp	NA	NA	28 x 9 ft. 174 s.f.
1627+00 to 1632+00	Stream 10-52 (Raccoon Creek)	Perennial	40.514074	-80.351202	Raccoon Creek	WWF	Grading w/in floodway for restoration	Temp	0	20 x 17 ft. 348 s.f.	NA
1627+00	Wetland W-20200401-1043-JWR-A	PEM	40.513270	-80.351006	NA	NA	Removal of fill.	Temp	NA	NA	17 x 53 ft. 906 s.f.
1641+50	Stream 9-36	Perennial	40.509608	-80.350739	UNT to Raccoon Creek	WWF	Grading w/in stream channel and floodway for restoration	Temp	280 x 5 ft. 1,282 s.f.	280 x 42 ft. 7,377 s.f.	NA

Nearest Station Location	Structure / Activity Unique Identifier	Aquatic Resource Type	Latitude dd mdd83	Longitude dd mdd83	Waters Name	Pa. Code Chapter 93 Designation	Work Proposed ⁽¹⁾	DEP, Impact Type Temp/Perm	Watercourse Impact Linear foot (along channel) x Width (Top of Banks) Length and Width (feet)	Floodway Impact Top of Bank Landward Length and Width (feet) Area (square feet)	Wetland Impact Length and Width (feet) Area (square feet)
1645+50	Wetland 9-AK	PEM	40.508450	-80.350940	NA	NA	Temporary Disturbance for Perimeter Erosion Control for Abutting Restoration	Temp	NA	NA	8 x 64 ft. 338 s.f.
1645+50	Stream S-20200401-0911-JWR	Intermittent	40.508450	-80.350940	UNT to Raccoon Creek	WWF	Grading w/in stream channel and floodway for restoration	Temp	77 x 3 ft. 187 s.f.	105 x 94 ft. 5,232 s.f.	NA
1645+50	GP-ACCESS-Stream S-20200401-0911-JWR	Intermittent	40.508449	-80.350915	UNT to Raccoon Creek	WWF	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	0	34 x 20 ft. 757 s.f.	NA
1646+00	GP-ACCESS-Wetland W-20200331-1310-JWR-A	PEM	40.508000	-80.351000	NA	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	20 x 18 ft. 365 s.f.
1646+00	GP-ACCESS-Wetland W-20200331-1310-JWR-B	PEM	40.508000	-80.351000	NA	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	20 x 30 ft. 599 s.f.
1694+50	Stream 9-37	Intermittent	40.496315	-80.349556	UNT to Tributary 33750 to Raccoon Creek	WWF	Grading w/in stream channel and floodway for restoration	Temp	331 x 3 ft. 784 s.f.	305 x 108 ft. 29,011 s.f.	NA
1697+00	Stream 10-43	Intermittent	40.495966	-80.349247	UNT to Raccoon Creek	WWF	Grading w/in floodway for restoration	Temp	0	76 x 20 ft. 566 s.f.	NA

Nearest Station Location	Structure / Activity Unique Identifier	Aquatic Resource Type	Latitude dd mm83	Longitude dd mm83	Waters Name	Pa. Code Chapter 93 Designation	Work Proposed ⁽¹⁾	DEP, Impact Type Temp/Perm	Watercourse Impact Linear foot (along channel) x Width (Top of Banks) Length and Width (feet)	Floodway Impact Top of Bank Landward Length and Width (feet) Area (square feet)	Wetland Impact Length and Width (feet) Area (square feet)
1694+50	Wetland W-20200409-1558-DWL	PEM	40.496491	-80.349309	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	89 x 6 ft. 367 s.f.
1741+00	ACCESS-Wetland 10-Q	PEM	40.489555	-80.357903	NA	NA	Temporary equipment crossing >200ft.	Temp	NA	NA	914 x 20 16,840 s.f.
1740+50	GP-ACCESS-Wetland 15-A	PEM	40.490033	-80.357365	NA	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	60 x 20 1,199 s.f.
1740+00	Wetland 15-A	PEM	40.490458	-80.356875	NA	NA	Slope Repair	Perm	NA	NA	30 x 23 ft. 655 s.f.
1740+00	OUT-Stream 10-44	Perennial	40.490136	-80.357283	UNT to Raccoon Creek	WWF	Outfall	Perm	0	5 x 5 25 s.f.	NA
1740+00	Stream 10-44	Perennial	40.489900	-80.357212	UNT to Raccoon Creek	WWF	Temporary Staging Areas	Temp	0	104 x 123 ft. 12,796 s.f.	NA
1697+00	Stream 10-42	Perennial	40.495531	-80.349389	Trib 33750 to Raccoon Creek	WWF	Slope Repair	Temp	0	125 x 50 6,250 s.f.	NA

E:1007220-026 ETC Northeast Pipeline, LLC, 6051 Wallace Road Extension, Third Floor, Wexford, PA 15090, Findlay Township, **Allegheny County**, Center, Conway, Independence, New Sewickley, Racoon Township(s), **Beaver County**, Jackson Township, **Butler County**, Robinson, Smith Townships, **Washington County**, ACOE Pittsburgh District.

The Revolution Pipeline project was originally permitted to install a 40.5-mile-long, 24-inch diameter steel natural gas pipeline that connects wells in Butler and Beaver counties to a natural gas processing facility in Washington County, PA. This application is for the proposed restoration and on-site mitigation of aquatic resources impacted by the initial Revolution Pipeline construction, slope failures along the Revolution Pipeline ROW and the reconstruction of slope failures along the Revolution Pipeline ROW, the use of off-site mitigation for permanent impacts that cannot be restored on-site, unavoidable impacts to waters associated with landslide remediation and slope stabilization, and temporary impacts to waters for access for restoration and remediation activities.

The project is located within the Aliquippa, Baden, Beaver, Clinton, Evans City and Zelienople USGS 7 1/2 Minute Quadrangle Map.

See E0207220-038; E0407220-023 and E6307220-027 for additional impacts associated with this project.

On December 12, 2020, the Department of Environmental Protection published the receipt of an application for the proposed restoration and on-site mitigation of aquatic resources impacted by the initial Revolution Pipeline construction, slope failures along the Revolution Pipeline ROW and the reconstruction of slope failures along the Revolution Pipeline ROW, the use of off-site mitigation for permanent impacts that cannot be restored on-site, unavoidable impacts to waters associated with landslide remediation and slope stabilization, and temporary impacts to waters for access for restoration and remediation activities in the *Pennsylvania Bulletin* [50 Pa.B. 7028]. This public notice was pursuant to 25 Pa. Code Chapter 105.21a. The December 12, 2020 notice appeared under a heading related to Chapter 102 of the Department's regulations. However, this application was received 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 Requests for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Impacts associated with this permit:

Nearest Station Location	Structure / Activity Unique Identifier	Aquatic Resource Type	Latitude dd mdd83	Longitude dd mdd83	Waters Name	Pa. Code Chapter 93 Designation	Work Proposed ⁽¹⁾	DEP Impact Type Temp/Perm	Watercourse Impact Linear foot (along channel) x Width (Top of Banks) Length and Width (feet)	Floodway Impact of Bank Landward Length and Width (feet) Area (square feet)	Wetland Impact Length and Width (feet) Area (square feet)
0+00	Stream 25-1	Intermittent	40.783448	-80.081179	UNT to Tributary 35017 to Breakneck Creek	WWF	Grading w/in floodway for restoration	Temp	GP-8 (previously authorized) ¹	203 x 106 ft. 13,024 s.f.	NA
2+00 (OFF ROW)	Wetland W-20200424-0940-MRM	PSS	40.782530	-80.081215	NA	NA	Grading w/in wetland for stream restoration	Temp	NA	NA	66 x 54 ft. 2,831 s.f.
76+00	Wetland 9-K	PEM	40.776968	-80.103685	NA	NA	Waterbar Removal	Temp	NA	NA	19 x 15 ft. 268 s.f.
82+00	Stream 9-11	Ephemeral	40.776960	-80.106013	UNT to Trib 34910 To Glade Run	WWF	Temporary access and stockpiling for riparian plantings	Temp	0	91 x 31 ft. 1,430 s.f.	NA
82+00	GP-ACCESS-Wetland W-20200416-1045-DWL-B	PEM	40.776862	-80.106156	NA	NA	GP-8 Temporary equipment crossing (timber mat)	Temp	NA	NA	16 x 10 ft. 109 s.f.
82+00	GP-ACCESS-Wetland W-20200416-1045-DWL-C	PEM	40.776863	-80.106011	NA	NA	GP-8 Temporary equipment crossing (timber mat)	Temp	NA	NA	18 x 12 ft. 145 s.f.
117+00	Wetland W-20200423-1220-CWI-A	PEM	40.777374	-80.117507	NA	NA	Waterbar Removal	Temp	NA	NA	27 x 15 ft. 360 s.f.
118+50	Wetland 9-T	PEM	40.777396	-80.117701	NA	NA	Grading w/in wetland for restoration	Temp	NA	NA	22 x 15 ft. 164 s.f.
118+50	Stream 9-18	Perennial	40.777449	-80.117648	UNT to Tributary 34910 to Glade Run	WWF	Grading w/in floodway for restoration	Temp	GP-8 (previously authorized) ¹	108 x 74 ft. 5,272 s.f.	NA
147+50	Wetland 2-J	PEM	40.774729	-80.124884	NA	NA	Waterbar Removal	Temp	NA	NA	40 x 15 ft. 417 s.f.

<i>Nearest Station Location</i>	<i>Structure / Activity Unique Identifier</i>	<i>Aquatic Resource Type</i>	<i>Latitude dd mdd83</i>	<i>Longitude dd mdd83</i>	<i>Waters Name</i>	<i>Pa. Code Chapter 93 Designation</i>	<i>Work Proposed⁽¹⁾</i>	<i>DEP Impact Type Temp/Perm</i>	<i>Watercourse Impact Linear foot (along channel) x Width (Top of Banks) Length and Width (feet)</i>	<i>Floodway Impact Top of Bank Landward Length and Width (feet) Area (square feet)</i>	<i>Wetland Impact Length and Width (feet) Area (square feet)</i>
HDD Pullback	Wetland 25-F	PEM	40.771324	-80.137431	NA	NA	Waterbar Removal	Temp	NA	NA	75 x 15 ft. 743 s.f.
223+00	Wetland W-20200318-1324-DWL-A	PEM	40.769824	-80.144880	NA	NA	Waterbar Removal	Temp	NA	NA	37 x 15 ft. 397 s.f.
223+50	Stream 10-14	Intermittent	40.769858	-80.146470	UNT to Tributary 34909 to Glade Run	WWF	Grading w/in floodway for restoration	Temp	GP-8 (previously authorized) ¹	76 x 64 ft. 4,381 s.f.	NA
223+50	Wetland 9-CO	PEM	40.769876	-80.146543	NA	NA	Grading w/in wetland for adjacent stream restoration	Temp	NA	NA	46 x 77 ft. 2,039 s.f.
223+50	Wetland 9-CP	PEM	40.769819	-80.146462	NA	NA	Grading w/in wetland for adjacent stream restoration	Temp	NA	NA	17 x 76 ft. 907
250+50	Wetland 65-H	PEM	40.765731	-80.152841	NA	NA	Waterbar Removal	Temp	NA	NA	118 x 15 ft. 1,210 s.f.

E6307220-027; ETC Northeast Pipeline, LLC, 6051 Wallace Road Extension, Third Floor, Wexford, PA 15090, Findlay Township, **Allegheny County**, Center, Conway, Independence, New Sewickley, Racoon Township(s), **Beaver County**, Jackson Township, **Butler County**, Robinson, Smith Townships, **Washington County**, ACOE Pittsburgh District.

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See E0407220-023; E1007220-026 and E0207220-038 for additional impacts associated with this project.

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2017+00	GP-ACCESS- Wetland 9-EV	PEM	40.438000	-80.346500	NA	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	70 x 20 1,424 s.f.
2043+50	GP-ACCESS- Wetland 9-FH	PEM	40.435290	-80.354900	NA	NA	GP-8 Temporary Equipment Access for Slope Stabilization	Temp	NA	NA	20 x 20 ft. 422 s.f.
2069+00	Wetland 30-BA	PEM	40.428765	-80.352872	NA	NA	Waterbar Removal	Temp	NA	NA	131 x 15 ft. 1,818 s.f.

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 # ESG294121006-00
 Applicant Name ARD Operating, LLC
 Contact Person Jennifer McCarthy
 Address 500 Dallas Street, Ste 2930
 City, State, Zip Houston, TX 77002-4701
 County Lycoming
 Township(s) Plunketts Creek
 Receiving Stream(s) and Classification(s) Engle Run (EV, EV)
 Secondary: King Run (HQ-CWF, EV)

STORAGE TANKS**CLOSURE-IN-PLACE VARIANCE**

The following variance from closure requirements under the authority of the Storage Tank Spill Prevention Act (35 P.S. § 6021.501) and under 25 Pa. Code Chapter 245, Subchapter E, has been issued by the Bureau of Environmental Cleanup and Brownfields, P.O. Box 8762, Harrisburg, PA 17105-8762.

<i>Variance No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
U-21-0001	Joshua Worth Wawa Inc. 260 West Baltimore Pike Wawa, PA 19063-5699	Chester	London Grove Township	Gasoline	20,000 gallons

The variance request asks that underground storage tank (UST) tank 001 be excluded from part of the UST closure requirements located in 25 Pa. Code § 245.452(b). Specifically, the variance requests that tank 001 be permanently closed without being removed from the ground or filled with a non-shrinking, inert solid material as required by regulation. Instead, a double-walled bulkhead will be installed within tank 001 to create two new USTs each with a capacity of 10,000 gallons. A variance was granted subject to the following conditions: (1) Wawa shall comply with all remaining applicable requirements of 25 Pa. Code Chapter 245 and shall not violate any applicable provision of the Storage Tank and Spill Prevention Act; (2) The double-walled bulkhead to be built within tank 001 to create the two new USTs shall be installed within one (1) year of performing the required site assessment for tank 001; (3) The double-walled bulkhead shall be installed and tested in accordance with the requirements outlined in the submitted "Containment Solutions—Field Procedure for SW and DW Bulkhead Installation No. PEC 24.02 Dated 02/10/21" and installed and tested in accordance with the requirements outlined in the submitted "JD2 Environmental Inc.—Request for Variance Professional Engineer Review—Action Requested: Conversion of Double-Wall Fiberglass UST to a Two (2) Compartment Tank System" as stamped and sealed by John J. Traynor, P.E, License No. PE038941R on May 12, 2021; and (4) This Conditional Variance Approval will remain in effect until May 18, 2024, unless

amended or revoked by the Department or terminated for any reason by Wawa Inc. or the Department.

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:

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

Contact: Kim Bontrager, Clerk Typist 3.

Kwik Fill M 2, Storage Tank Facility ID # 25-22460, 55001 Peach Street, Erie, PA 16509, Millcreek Township, **Erie County**. CORE Environmental Services, Inc., 3960 William Flynn Hwy, Suite 100, Allison Park, PA 15101, on behalf of United Refining Company, 15 Bradley Street, Warren, PA 16528, submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, methyl tertiary butyl ether, cumene and naphthalene. The combined Remedial Action Plan and Remedial Action Completion Report did not demonstrate attainment of the residential site-specific standard and was disapproved by DEP on May 21, 2021.

Sheetz 58, Storage Tank Facility ID # 16-29460, 1281 East Main Street, Clarion, PA 16214, Clarion Borough, **Clarion County**. Envirotrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 351 Sheetz Way, Claysburg, PA 16625, 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 Statewide health standard and was approved by DEP on May 20, 2021.

[Pa.B. Doc. No. 21-895. Filed for public inspection June 4, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Base General Permit No. WMGR096 Renewed through June 2022

Under the authority of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act 53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is providing notice of the renewal of the current base General Permit No. WMGR096 for up to 1 year, until no later than June 23, 2022. This General Permit authorizes the beneficial use of regulated fill as a construction material. Under Gen-

eral Permit No. WMGR096, regulated fill may only be moved to a property that is approved for construction and meets one of the following criteria:

- The property is zoned and used exclusively for commercial and industrial uses.
- The property is unzoned but exclusively used for commercial and industrial uses (excluding parks, playgrounds, nursing homes, childcare facilities, schools or other residential-style facilities or recreation areas).

General Permit No. WMGR096 does not authorize blending or processing of fill with the purpose of meeting the concentration limits specified in Table GP-1 of the permit.

On December 22, 2018, the Department published notice for the renewal of the existing version of General Permit No. WMGR096 for 1 year through December 23, 2019. Due to the volume and extensiveness of the comments received on modifications proposed to General Permit No. WMGR096 and notice published at 48 Pa.B. 6393, 6414 (October 6, 2018), along with the recent publication of the revised Management of Fill Policy (Document No. 258-2182-773) published as final at 49 Pa.B. 6621 (November 2, 2019), the Department published notice at 49 Pa.B. 7250 (December 7, 2019) that the existing version of General Permit No. WMGR096 was renewed until June 23, 2021. This action provided the Department with time to consider the comments received and evaluate whether additional modifications to the base General Permit are necessary. The Department also shared its plans to republish proposed modifications to the base General Permit in the *Pennsylvania Bulletin* and provide for another 60-day public comment period after the comments received had been appropriately evaluated and addressed. Having now reviewed the feedback previously received, the Department is renewing the current base General Permit No. WMGR096 for up to 1 year to offer another 60-day public comment period for the updated draft base General Permit No. WMGR096.

Persons interested in obtaining a copy of the renewed general permit may contact Chris Solloway at csolloway@pa.gov, (717) 787-7381, or Environmental Group Manager, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Chris Solloway at (717) 787-7381 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-896. Filed for public inspection June 4, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water and Drinking Water State Revolving Fund Programs Federal Fiscal Year 2021 In- tended Use Plans; Available for Public Comment

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal

Year (FY) 2021 Intended Use Plans (IUP). These IUPs include a list of drinking water, wastewater treatment, nonpoint source and pollution abatement projects to be considered for a design and engineering or construction loan or grant from funds the Commonwealth expects to receive from the United States Environmental Protection Agency (EPA) through the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs for FY 2021.

The projects to be considered for a loan or grant from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act (42 U.S.C.A. §§ 300f—300j-27) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1388). Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to the use of the DWSRF and CWSRF loan or grant funds. Projects listed in the FY 2021 IUPs are on the Commonwealth's Project Priority Lists (PPL) and are expected to proceed with design and engineering or construction within the next 2 years. A project must appear on a PENNVEST-approved IUP before it can receive a loan or grant from the State Revolving Fund programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

The DWSRF will be capitalized with an approximated maximum of \$34.2 million in Federal funds (\$33.9 million for FY 2021 and \$316,000 from a FY 2019 reallocation) and \$6.8 million of State funds. Approximately \$9.1 million of these funds will be set aside for technical assistance to small systems, operator training and certification, and source water assessment and protection, as authorized under the Federal Safe Drinking Water Act. The DWSRF IUP also includes a narrative work plan that describes how these set-aside funds will be used. PENNVEST is also allocating \$1.4 million for administrative purposes. Finally, an additional \$6.8 million must be set-aside for additional subsidization to disadvantaged communities. The FY 2021 DWSRF grant does not have a requirement to set aside funding for green infrastructure projects. However, the Commonwealth will continue to promote green infrastructure projects that meet the EPA criteria for green infrastructure and can fall into one or more of four categories: (1) water efficiency; (2) energy efficiency; (3) environmentally innovative; and (4) green stormwater infrastructure.

The CWSRF will be capitalized with an approximated maximum of \$63.0 million of Federal funds and approximately \$12.6 million of State funds. One million dollars will be set aside for the Onlot Sewage Disposal Program. Finally, an approximated maximum of \$25.2 million may be set aside for additional subsidization to disadvantaged communities and approximately \$6.3 million must be set aside for green infrastructure projects that meet the EPA criteria for green infrastructure and can fall into one or more of four categories: (1) water efficiency; (2) energy efficiency; (3) environmentally innovative; and (4) green stormwater infrastructure.

A copy of the IUPs, ranking frameworks, the PPLs and the DWSRF set-aside work plan may be obtained by contacting Jay Patel, PE, Division of Municipal Facilities, at (717) 787-5017 or through the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance. The link to these documents is on the right-hand side of the page under "State Revolving Fund Intended Use Plan."

Interested persons may submit comments on the narrative portion of the IUPs, the PPLs and the DWSRF set-aside work plan to the Department through Tuesday, July 6, 2021. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Clean Water and Drinking Water State Revolving Funds" as the subject line in written communication.

Department of Environmental Protection
Bureau of Clean Water
Division of Municipal Facilities
P.O. Box 8774
11th Floor, Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101-8774
(717) 787-5017

PENNVEST
333 Market Street, 18th Floor
Harrisburg, PA 17101-2210
(717) 783-6589
(877) 787-8137

PATRICK McDONNELL,
Secretary
Department of Environmental Protection
Vice Chairperson
Pennsylvania Infrastructure Investment Authority

BRION JOHNSON,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 21-897. Filed for public inspection June 4, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Residual Waste General Permit WMGR096 Proposed Revisions

Under the authority of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is providing notice of proposed revisions to General Permit No. WMGR096. This General Permit authorizes the beneficial use of regulated fill as a construction material. Under General Permit No. WMGR096, regulated fill may only be moved to a property that is approved for construction and meets one of the following criteria:

- The property is zoned and used exclusively for commercial and industrial uses.
- The property is unzoned but exclusively used for commercial and industrial uses (excluding parks, playgrounds, nursing homes, childcare facilities, schools or other residential-style facilities or recreation areas).

General Permit No. WMGR096 does not authorize blending or processing of fill with the purpose of meeting the concentration limits specified in Table GP-1 of the permit.

The proposed revisions to WMGR096 consist of the following:

- Revisions to the definition section. All applicable definitions have been deleted from WMGR096 and a reference to the Management of Fill Policy (MoFP), Document No. 258-2182-773, has been added.

- Clarification to language that dictates where regulated fill material may be beneficially used, including the exclusion of agriculturally zoned areas from areas where regulated fill may be beneficially used.

- Addition of language in Section A that allows material previously used under WMGR096 to remain in place in instances where the regulated fill concentration limits become more restrictive. If the regulated fill material is moved to a new beneficial use site, the regulated fill concentration limits in effect at that time will apply. This language matches companion language in the MoFP regarding the applicability of the policy to previously placed fill.

- Changes to the definition of “approved for construction” which includes criteria that a site needs to meet for general permit coverage to be issued.

- Deletion of the definition of “brownfield” because the aforementioned clarifications to the areas where regulated fill material can be beneficially used renders this definition moot.

- Update to the definition of the term “promptly” to allow permittees to justify a longer timeframe after filling operations have been completed prior to construction activities beginning. The current definition of the term “promptly” includes a 1-year timeframe by which construction activities must occur after filling operations have ceased.

- Update to the language pertaining to polychlorinated biphenyls (PCB) in the definition of “regulated fill concentration limits” which now conveys to permittees that regulated fill containing PCBs in excess of 2 parts per million (ppm) may be subject to further regulation under the Toxic Substances Control Act (act) (15 U.S.C.A. §§ 2601–2697) and 40 CFR Part 761 (relating to polychlorinated biphenyls (PCBs) manufacturing, processing, distribution in commerce, and use prohibitions), which is administered and implemented by the Environmental Protection Agency (EPA).

- Addition of language in Condition C.12.d. that requires new permittees to demonstrate that their project meets the definition of “approved for construction” and affords existing permittees 2 years to demonstrate that their existing operations meet the definition of “approved for construction.”

- Clarification to the language in Condition C.16. regarding the fulfillment of a traffic impact assessment or traffic impact study.

- Clarification to language in Condition D.1.b., relating to a permittee’s demonstration that regulated fill associated with its project meets the engineering requirements and specifications for the construction activity proposed after filling operations are completed.

- Addition of Condition D.1.c., which states that permittees must adequately track and document the placement location for each source of regulated fill material.

- Update to condition D.1.f. to be consistent with the updates to the definition of “promptly.”

- Deletion of the term “metals” from Condition D.3.b. pertaining to the constituents that may not exceed background levels at a receiving site.

- Deletion of language in Condition D.9.a., that authorizes regulated fill to be placed in waters of this Commonwealth.

- Addition of language to Condition D.24., that requires permittees to maintain a general liability insurance policy until the permittee submits a completed Form 19R (Certification of Facility Construction Activity) once construction activities are completed at the beneficial use site.

- Update to Condition E.2., to be consistent with the MoFP.

- Clarification to Condition E.3., which informs permittees that regulated fill containing a concentration of PCBs greater than 2 ppm may be subject to further regulation under the act and 40 CFR Part 761, which is administered and implemented by the EPA.

- Deletion of Condition E.5.b.iii., which requires proof that an EPA Region 3 PCB Coordinator approved acceptance at the receiving site for PCB results over 2 ppm.

- Addition of Condition E.5.c., which requires the individuals who are making the determination that regulated fill meets the regulated fill concentration limits to certify that the information contained in their determination is true and correct to the best of their knowledge.

- Addition of Condition E.5.d., which authorizes permittees to begin beneficial use of new sources 15 business days after the Department receives the written request. Additionally, in instances where new sources should not be accepted but the Department has not made a determination within 15 business days, permittees may not begin beneficial use of a new source if the new source submittal is deficient, or the Department otherwise notifies the permittee that the new source cannot be accepted.

- Clarification to Condition G.1., regarding the annual deed notice. The condition now requires permittees to update the deed notice annually and upon completion of filling activities, and only requires permittees to include:

- o Information about the exact location of regulated fill at the site, using longitude and latitude coordinates, and

- o Language stating that anyone reviewing the recorded deed may contact the Department for more information about the permitted activities at the site.

- Update to Condition G.3.c.iii., which requires permittees to include the placement locations of each source of regulated fill beneficially used in the preceding calendar year as required in Condition D.1.c.

- Update to Condition G.3.c.ix, which requires permittees to provide proof of an annually updated deed notice, to match the language in Condition G.1.

Written Comments

Interested persons may submit written comments on the proposed modifications and renewal of General Permit No. WMGR096 through Tuesday, August 3, 2021. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator’s name and address. Commentators are strongly encouraged to submit comments using the Department’s online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA

17105-2063. Use "General Permit WMGR096" as the subject line in written communication.

Questions regarding the draft general permit can be directed to Chris Solloway, Division of Municipal and Residual Waste, Bureau of Waste Management, at csolloway@pa.gov or (717) 787-7381. Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Chris Solloway at (717) 787-7381 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-898. Filed for public inspection June 4, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(h) (relating to prevention, control and surveillance of tuberculosis (TB)):

Broad Acres Health and Rehabilitation Center
1883 Shumway Hill Road
Wellsboro, PA 16901
FAC ID # 022702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j) and (k) (relating to electric requirements for existing and new construction):

Wesley Enhanced Living—Doylestown
200 Veterans Lane
Doylestown, PA 18901
FAC ID # 085502

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. 21-899. Filed for public inspection June 4, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Public-Private Partnerships Board Virtual Meeting

The Public-Private Partnerships Board will hold a virtual meeting on June 16, 2021, from 1 p.m. to 3 p.m. by means of Microsoft Teams. For more information, contact Maddie Vergos, (717) 787-3154, mvergos@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-900. Filed for public inspection June 4, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Commission Virtual Conference Call Meeting

The State Transportation Commission (Commission) will hold a virtual conference call meeting on Wednesday, June 9, 2021, starting at 10 a.m. The virtual conference call meeting will be held virtually by means of Microsoft Teams. Individuals can join the virtual conference call meeting at https://teams.microsoft.com/l/meetup-join/19:meeting_nzgzoti2odytyjjhoc00odk5lthkmmitywm5mza4yzmxyjfk@thread.v2/0?context={%22tid%22:%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22,%22oid%22:%22c7ebdd64-2588-444b-86d5-9da2408821a7%22}. The call-in number is +1 (267) 332-8737. The conference ID is 285 174 904#.

For more information, contact the Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-901. Filed for public inspection June 4, 2021, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, May 20, 2021, and announced the following:

Actions Taken—Regulations Approved:

Environmental Quality Board # 7-533: Water Quality Management and National Pollution Discharge Elimination System Permit Application and Annual Fees (amends 25 Pa. Code Chapters 91 and 92a)

Department of Banking and Securities # 3-57: Repeal or Amendment of Assorted Sections (amends 10 Pa. Code Chapter 19 and rescinds Chapter 55)

Pennsylvania Gaming Control Board # 125-226: Casino Simulcasting; Fantasy Contests (amends 58 Pa. Code by adding Chapters 1001a and 1201a—1209a)

Pennsylvania Gaming Control Board # 125-229: Interactive Gaming (amends 58 Pa. Code Sections 801a—817a, 830a)

Department of Labor and Industry # 12-111: Unemployment Compensation; Employee Provisions (amends 34 Pa. Code §§ 65.11, 65.43 and 65.154)

Approval Order

Public Meeting Held
May 20, 2021

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson, dissenting; John J. Soroko, Esq., dissenting; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Water Quality Management and National Pollutant
Discharge Elimination System Permit Application and
Annual Fees
Regulation No. 7-533 (# 3227)*

On March 12, 2019, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 91 and 92a. The proposed regulation was published in the March 30, 2019 *Pennsylvania Bulletin* with a public comment period ending on May 14, 2019. The final-form regulation was submitted to the Commission on April 6, 2021.

The rulemaking increase fees for the Water Quality Management permit applications and National Pollutant Discharge Elimination System permit and applications and annual fees.

We have determined this regulation is consistent with the statutory authority of the Board (§§ 691.5(b)(1) and 691.6) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 20, 2021

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Banking and Securities—
Repeal or Amendment of Assorted Sections
Regulation No. 3-57 (# 3302)*

On April 7, 2021, the Independent Regulatory Review Commission (Commission) received this regulation from

the Department of Banking and Securities (Banking). This rulemaking amends 10 Pa. Code Chapter 19 and rescinds Chapter 55. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking repeals or amends sections of the Department's regulations that are obsolete or inaccurate due to recent statutory amendments.

We have determined this regulation is consistent with the statutory authority of the Department (71 P.S. § 733-202(C)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 20, 2021

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq., recused; Dennis A. Watson, Esq.

*Pennsylvania Gaming Control Board—
Casino Simulcasting; Fantasy Contests
Regulation No. 125-226 (# 3248)*

On December 5, 2019, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code by adding Chapters 1001a and 1201a—1209a. The proposed regulation was published in the December 21, 2019 *Pennsylvania Bulletin* with a public comment period ending on January 21, 2020. The final-form regulation was submitted to the Commission on March 23, 2021.

This rulemaking establishes permanent regulations for casino simulcasting and fantasy contests.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 311, 1202(b)(30), and 13F06(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 20, 2021

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq., recused; Dennis A. Watson, Esq.

*Pennsylvania Gaming Control Board—
Interactive Gaming
Regulation No. 125-229 (# 3261)*

On July 16, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Sections 801a—817a, 830a. The proposed regulation was published in the August 22, 2020 *Pennsylvania Bulletin* with a public comment period ending on September 21, 2020. The final-form regulation was submitted to the Commission on March 23, 2021.

This regulation establishes the regulatory oversight structure for the conduct of interactive gaming in the Commonwealth by providing the authorized Category 1, 2, and 3 slot machine licensees the opportunity to petition to offer interactive gaming which simulates slot machines, table games, and poker.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § 13B02) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 20, 2021

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Labor and Industry—
Unemployment Compensation; Employee Provisions
Regulation No. 12-111 (# 3259)*

On June 16, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code §§ 65.11, 65.43 and 65.154. The proposed regulation was published in the June 27, 2020 *Pennsylvania Bulletin* with a public comment period ending on July 27, 2020. The final-form regulation was submitted to the Commission on April 5, 2021.

This final-form regulation implements the Pennsylvania Unemployment Compensation Claims System by providing for weekly and biweekly filings and clarifying the number of dependent allowance payments. In addition, a claimant whose labor market is outside of Pennsylvania will no longer be required to register with the Pennsylvania CareerLink System.

We have determined this regulation is consistent with the statutory authority of the Department (43 P.S. § 761(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-902. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
May 20, 2021

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

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2021-3023559*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

While we recognize that the COVID-19 pandemic has provided some challenges related to the continuance of normal business operations, it is imperative that the Commission have an approved financial security in place with each EGS to ensure compliance with 52 Pa. Code § 54.40(d). On March 25, 2020, Commission staff issued an EGS Financial Security Filing Guidance Memo (Guidance Memo) that stated the following:

- Where practical, EGSs should file an original bond, letter of credit, continuation certificate, amendment, or other financial instrument. These original financial instruments should display "wet" signatures or digital signatures, preferably in blue ink, and display a "raised seal" or original notary stamp.

- EGSs should email a copy of the original financial instrument directly to Secretary Chiavetta at rchiavetta@

pa.gov. Secretary Chiavetta has waived the restriction on emailed filings that contain confidential and proprietary material. As such, financial security instruments will be permitted to be filed by email for the duration of the Commission's work from home order.

- If an EGS is unable to acquire a "raised seal" or original notary stamp on the financial security during the pendency of the COVID-19 emergency, the Secretary's Bureau will not reject the financial security.

- If an EGS has been granted a reduction in its financial security, and it is time to renew the annual reduction, please file an original annual compliance filing with the Secretary's Bureau and a copy via email at rchiavetta@pa.gov.

Please note that the requirement that EGSs maintain a valid financial security on file with the Commission, remains in effect.

Be advised that emailed financial security instruments—after review and acceptance of the Secretary's Bureau and the Bureau of Technical Utility Services—will be provisionally approved by the Commission until Commission staff resume working in the Keystone Building.

EGSs must still mail the original bond with original signatures and notary stamp as per the Commission's normal practice.

On July 27, 2020, the Commission issued a Secretarial Letter which modified certain filing and service requirements.¹ Specifically, this Secretarial Letter amended the Emergency Order issued on March 20, 2020, at Docket No. M-2020-3019262 regarding the filing of certain confidential documents. At the time the Emergency Order was issued, the Commission did not have access to its physical location. However, since that time the Commission has secured limited access to its place of business. Under these circumstances and consistent with the authority provided to the Secretary by the Emergency Order, the Secretarial Letter requires that confidential filings made pursuant to 52 Pa. Code § 54.40(a) (EGS financial securities), must be filed with the Secretary by overnight delivery and are not to be filed electronically with the Secretary.

As of May 11, 2021, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2009-2138283	AMERICA APPROVED COMMERCIAL, LLC	4/25/2021	Yes
A-2016-2542085*	ATLANTIC ENERGY MD, LLC	5/11/2021	No
A-2019-3012420*	AVANGRID RENEWABLES, LLC	4/9/2021	No
A-2013-2356696	MID ATLANTIC ENERGY SERVICES, LLC	5/1/2021	Yes
A-2015-2511999	VOLTARRO	4/9/2021	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution compa-

nies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2021-3023559 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System per the Commission's Emergency Order dated March 20, 2020, at Docket No. M-2020-3019262. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an

¹ Docket No. M-2020-3019262.

approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a “wet” signature or digital signature, preferably in blue ink, and displaying a “raised seal” or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier’s license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission’s Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission’s website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 20, 2021

ORDER ENTERED: May 20, 2021

[Pa.B. Doc. No. 21-903. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

License Application of Enerwise Global Technologies, LLC, d/b/a CPower for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services

Public Meeting held
May 6, 2021

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

License Application of Enerwise Global Technologies, LLC d/b/a CPower for Approval to Offer, Render, Furnish, or Supply Electricity or Electric Generation Services;
A-2019-3009271

Tentative Order

By the Commission:

On April 16, 2019, Enerwise Global Technologies, LLC d/b/a CPower (Enerwise or Applicant), Utility Code

1122099, applied to become a licensed electric generation supplier (EGS) throughout the Commonwealth of Pennsylvania. On April 18, 2019, the Pennsylvania Public Utility Commission (Commission) accepted Enerwise’s application. The application was filed under the Commission’s regulations at 52 Pa. Code §§ 54.31—54.43, which became effective on August 8, 1998, and which were established under Section 2809 of the Public Utility Code, 66 Pa.C.S. § 2809. For the reasons expressed in this Tentative Order, Enerwise’s application is tentatively approved, consistent with this Tentative Order.

Section 2809 provides in pertinent part that:

License Requirement.—No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators, and other entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the commission.

66 Pa.C.S. § 2809.

An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

66 Pa.C.S. § 2803.

Enerwise’s EGS Application

In its EGS application, Enerwise details its current business practices, which includes operating as a Conservation Service Provider (CSP) and an energy management company which caters to its customers energy needs through usage management, demand response, and sustainability goals. EGS application Section 4.f.

Enerwise states that it is not going to market power in the Commonwealth of Pennsylvania. EGS application Section 4.f. Rather, the Company submits that it is seeking an EGS license in order to obtain utility data on behalf of its customers so that it can verify customer performance in demand response programs and assist customers in analyzing their usage and capabilities.

Within the Commonwealth of Pennsylvania, CSPs were created under Act 129 of 2008 (Act 129), which became effective on October 15, 2008, and added Sections 2806.1 and 2806.2 to the Public Utility Code, 66 Pa.C.S. §§ 2806.1, 2806.2. Act 129 mandates that EDCs with at least 100,000 customers must adopt and implement energy efficiency and conservation programs designed to reduce customer demand of electricity by pre-determined amounts. 66 Pa.C.S. §§ 2806.1(a) and 2806.1(l).

A Conservation Service Provider is “An entity that provides information and technical assistance on measures to enable a person to increase energy efficiency or reduce energy consumption and that has no direct or indirect ownership, partnership or other affiliated interest

with an electric distribution company.” 66 Pa.C.S. § 2806.1(m). An EGS is defined as a “person or corporation... that sells to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.” 66 Pa.C.S. § 2803.

In the Commonwealth, electric distribution companies (EDCs) maintain systems containing the account, billing, and usage data for customers within their service territories (i.e., billing and metering systems). EGSs are provided access to these systems and corresponding information so that they may tailor their products and bills. EGSs may access this information through utilization of an electronic data interchange (EDI)¹ or via a web portal.²

While access to EDC’s data systems is available to licensed EGSs, customer privacy protections still maintain paramount importance to the Commission. Consequently, third-party entities, i.e., entities not licensed as an EGS, are not offered access to EDCs’ EDI or web portals. Further, EGSs, as licensed entities, must abide by all relevant statute and regulations and are subject to enforcement actions from the Commission for non-compliance. For example, the Commission’s regulations at 52 Pa. Code § 54.8 detail the standard to be followed by EGSs and EDCs regarding the confidentiality of customer information while the statute at 66 Pa.C.S. § 3301 enables the Commission to levy a civil penalty for non-compliance with any pertinent statute, regulation, or order. The Commission highlights this to note the balance that currently is struck by the policy permitting EGSs to access EDC billing and metering systems while refraining from permitting third-party entities from such access. EGS licensure comes with, amongst other things, the benefits of EDC billing and metering system access while it is measured and enforced by PUC oversight and the concomitant responsibilities, obligations, and potential enforcement associated with said oversight.

The Applicant before the Commission today submits that it is only seeking an EGS license in order to obtain utility data on behalf of its customers so that it can verify customer performance in demand response programs, and, to assist customers in analyzing their usage and capabilities. As such, the application here represents a case of first impression whereby the Applicant proposes to voluntarily obtain EGS licensure in order to support its existing business model, as opposed to avail itself the opportunity to commence traditional marketing, brokering, aggregating, or selling of electricity services.

Disposition

This application is rather timely, given the Commission has now overseen the relative completion of smart meter roll-out throughout the Commonwealth. The information realized by smart meters is vast. EGSs, CSPs, and potentially other entities have the potential to leverage this information to the betterment of the public at-large. In our first significant step to provide parties access to this data, the Commission directed EDCs to design web portals as a less expensive alternative to traditional EDI. In our June 30, 2016 Final Order approving the design of EDC web portals, the Commission addressed the issue of access. Of importance, in the June 2016 Final Order, we determined that the Commission would not explicitly

provide third-party entities, not otherwise licensed as an EGS, an alternative pathway to access utilities’ metering and billing systems. This determination leaves us with our current design whereby EGS licensure may be required to access a utility’s billing and metering systems through EDI or a web portal.

Understanding this current design for EDI and web portal access is necessary to prudently evaluate the instant proceeding. We submit that entities operating similarly to Enerwise may potentially avail themselves access to voluntary EGS licensure if they meet the technical and financial standards for licensure. Upon review of this application, we note that Enerwise likely retains adequate financial and technical fitness.

Continuing, while Enerwise’s business model is non-traditional when compared to other EGS applicants, we believe the Applicant’s business proposal may meet the theme of the Statute. The definition of an EGS is provided in 66 Pa.C.S. § 2809. It reads:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

Here, Enerwise seeks to support its provision of offering electricity related services by availing itself access to the billing and metering systems of utilities via EDI and web portals. While not often thought of as traditional ‘distribution facilities,’ we posit that an electric distribution company’s metering and billing system may fall into the nexus of distribution facilities.

For these reasons, we believe that it is in the public interest to tentatively grant Enerwise’s application. Before issuing a final decision on the merits, we will provide an opportunity for interested parties to file comments regarding Enerwise’s application within thirty (30) days after the date of publication of the Tentative Order issued in this matter in the *Pennsylvania Bulletin*. Reply comments will be due fifteen (15) days thereafter. Therefore, while we tentatively approve Enerwise Global Technologies, LLC d/b/a CPower’s application, Enerwise Global Technologies, LLC d/b/a CPower will not be issued a license certificate or the additional EDI or web portal access requested in the application at this time.

We also refer this matter to the Office of Competitive Market Oversight for any further action as may be deemed warranted to modify the Commission’s June 2016 Final Order; *Therefore,*

It Is Ordered That:

1. The license application of Enerwise Global Technologies, LLC d/b/a CPower for approval to offer, render, furnish, or supply electricity or electric generation services is tentatively approved, consistent with this Tentative Order.

2. The Secretary’s Bureau shall duly certify the Tentative Order in this matter and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

¹ Docket No. M 00960890F.0015.

² Docket No. M-2009-2092655.

3. Within thirty (30) days after the date that the Tentative Order is published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the license application of Enerwise Global Technologies, LLC d/b/a CPower. Reply comments will be due fifteen (15) days thereafter.

4. A copy of this Tentative Order be served on all electric distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, and Enerwise Global Technologies, LLC d/b/a CPower and all parties of record at Docket No. M-2009-2092655.

5. This matter be referred to the Office of Competitive Market Oversight for any further action as may be deemed warranted to modify the Commission's Submission of the Electronic Data Exchange Working Group's Web Portal Working Group's Solution Framework for Historical Interval Usage and Billing Quality Interval Use Final Order, Docket No. M-2009-2092655 (Order entered June 30, 2016).

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 6, 2021

ORDER ENTERED: May 24, 2021

[Pa.B. Doc. No. 21-904. Filed for public inspection June 4, 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 21, 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 21, 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-2021-3025887. Reliance Nonemergency Medical Transportation, Inc. (2101 Stenton Avenue, Philadelphia, PA 19138-2509) in paratransit service, limited to service for mobility challenged individuals, from points in the County of Delaware, and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2021-3025888. Kenechukwu E. Ilonze, t/a Ilonze Transportation Services (417 Dalmas Avenue, Folcroft, PA 19032) to transport, as a common carrier, persons in paratransit service, for nonemergency medical transportation, between points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia.

A-2021-3026004. Forever Young Personal Care, LLC (175 Tulip Lane, Gilbertsville, Montgomery County, PA 19525) for the right to begin to transport, as a common carrier, by motor vehicle, persons in non-emergency medical paratransit service, between points in the Counties of Berks, Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-2021-3026005. Ace Transit Management, LLC (1532-A Marcey Place, Philadelphia, PA 19115) for the approval of the transfer of ownership, from Semen Berkovich, to Tatyana Kashkalova. *Attorney:* David P. Temple, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2021-3025467 (Corrected). Move Solutions, LLC, t/a College Hunks Hauling Junk and Moving of Levittown (4800 Boston Avenue, Trevoise, Bucks County, PA 19053) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania. *Attorney:* Andrew Horowitz, 525 William Penn Place, Suite 1710, Pittsburgh, PA 15219.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-905. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025982. Verizon Pennsylvania, LLC and ACN Communication Services, LLC. Joint petition of Verizon Pennsylvania, LLC and ACN Communication Services, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and ACN Communication Services, LLC, by their counsel, filed on May 20, 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 ACN Communication Services, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-906. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025983. Verizon North LLC and ACN Communication Services, LLC. Joint petition of Verizon North LLC and ACN Communication Services, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North LLC and ACN Communication Services, LLC, by their counsel, filed on May 20, 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 North LLC and ACN Communication Services, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-907. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025985. Verizon Pennsylvania, LLC and Time Warner Cable Information Services (Pennsylvania), LLC. Joint petition of Verizon Pennsylvania, LLC

and Time Warner Cable Information Services (Pennsylvania), LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Time Warner Cable Information Services (Pennsylvania), LLC, by their counsel, filed on May 21, 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 Time Warner Cable Information Services (Pennsylvania), LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-908. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025986. Verizon North LLC and Time Warner Cable Information Services, LLC. Joint petition of Verizon North LLC and Time Warner Cable Information Services, LLC for approval of an amended interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North LLC and Time Warner Cable Information Services, LLC, by their counsel, filed on May 21, 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 Time Warner Cable Information Services, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-909. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025987. Verizon Pennsylvania, LLC and Service Electric Telephone Company, LLC. Joint petition of Verizon Pennsylvania, LLC and Service Electric Telephone Company, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Service Electric Telephone Company, LLC, by their counsel, filed on May 21, 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 Service Electric Telephone Company, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-910. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025989. Verizon North LLC and InterGlobe Communications, Inc. Joint petition of Verizon North LLC and InterGlobe Communications, Inc. for approval of an amended interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North LLC and InterGlobe Communications, Inc., by their counsel, filed on May 21, 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 InterGlobe 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. 21-911. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3025990. Verizon Pennsylvania, LLC and InterGlobe Communications. Joint petition of Verizon Pennsylvania, LLC and InterGlobe Communications for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and InterGlobe Communications, by their counsel, filed on May 21, 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 InterGlobe 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. 21-912. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3026048. Verizon North LLC and BCM One, Inc., f/k/a McGraw Communications, Inc. Joint petition of Verizon North LLC and BCM One, Inc., f/k/a McGraw Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North LLC and BCM One, Inc., f/k/a McGraw Communications, Inc., by their counsel, filed on May 25, 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 BCM One, Inc., f/k/a McGraw 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. 21-913. Filed for public inspection June 4, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications; Petition of Connect Everyone, LLC; Doc. No. P-2021-3023915

The Pennsylvania Public Utility Commission (Commission) invites comments on the following petition for designation as an eligible telecommunications carrier (ETC). The petition was filed because the petitioner was awarded Federal high-cost support moneys from the Federal Communications Commission's Rural Digital Opportunity Fund Auction: Petition of Connect Everyone, LLC; Docket No. P-2021-3023915

On August 2, 2010, the Commission entered an Order adopting a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers at Docket No. M-2010-2164741. See 52 Pa. Code § 69.2501 (relating to standards applicable for designation and annual certification as an eligible telecommunications carrier, for purposes of obtaining Federal universal service support) for the Final Policy Statement, Standards applicable for designation and annual certification as an eligible telecommunications carrier, for purposes of obtaining Federal universal service support. The Final Policy Statement became effective on October 2, 2010.

This notice is to inform telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission. By this notice, the Commission extends the time for filing an answer to the petition under 52 Pa. Code § 5.61 (relating to answers to complaints, petitions, motions and preliminary objections). Interested persons may file and serve an answer on or before 20 days after this notice is published in the *Pennsylvania Bulletin*. Thereafter, the petitioner has 10 days to file and serve its response. Filings must reference Docket No. P-2021-3023915.

In accordance with the Commission's Emergency Order at Docket No. M-2020-3019262 (issued on March 20, 2020; ratified on March 26, 2020; modified by Secretarial Letter issued July 27, 2020), all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. Documents filed relative to this docket are available for inspection by searching under the petitioner's docket number on the Commission's web site at <https://www.puc.pa.gov/search/document-search/>.

Confidential filings should be clearly marked as such and e-mailed directly to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov.

The contact person for questions regarding this notice is Christian A. McDewell, Assistant Counsel, Law Bureau, (717) 787-7466, cmcdewell@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-914. Filed for public inspection June 4, 2021, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as common carriers in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than June 21, 2021. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-21-05-03. Dar Transportation, Inc. (259 Rocklyn Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 21-915. Filed for public inspection June 4, 2021, 9:00 a.m.]

STATE BOARD OF NURSING

Automatic Suspension of the License to Practice Practical Nursing of Danielle Christine Poole, LPN; Case No. 19-51-014280

Notice to Danielle Christine Poole, LPN:

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted formal administrative action against you by filing a Petition for Automatic Suspension before the State Board of Nursing (Board) alleging that your license to practice practical nursing is subject to automatic suspension under section 23(c) of the Controlled Substance, Drug, Device and Cosmetic Act ("Drug Act"). This notice is being published pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing service of process upon you by publication.

Your license to practice practical nursing in the Commonwealth of Pennsylvania was AUTOMATICALLY SUSPENDED under the authority of Section 23(c) of the Drug Act, EFFECTIVE September 28, 2020.

If you wish to defend against the charges in the Petition or request a hearing you must do so within twenty days from the date of publication of this Notice. The procedure for doing so is explained in the Petition, Notice and Order of Automatic Suspension. You may obtain a copy of the Petition, Notice and Order online or by contacting the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the assistance of an attorney. All proceed-

ings before the Board are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedure. If a response and request for a hearing are not filed within 20 days of publication of this Notice, an order making the suspension of your license final will be issued by the State Board of Nursing. The response and any pleadings or other documents related to this matter must be filed with the Prothonotary for the Department of State at the above address. A copy of the response and request for hearing shall also be served on the prosecuting attorney identified in the Petition.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 21-916. Filed for public inspection June 4, 2021, 9:00 a.m.]