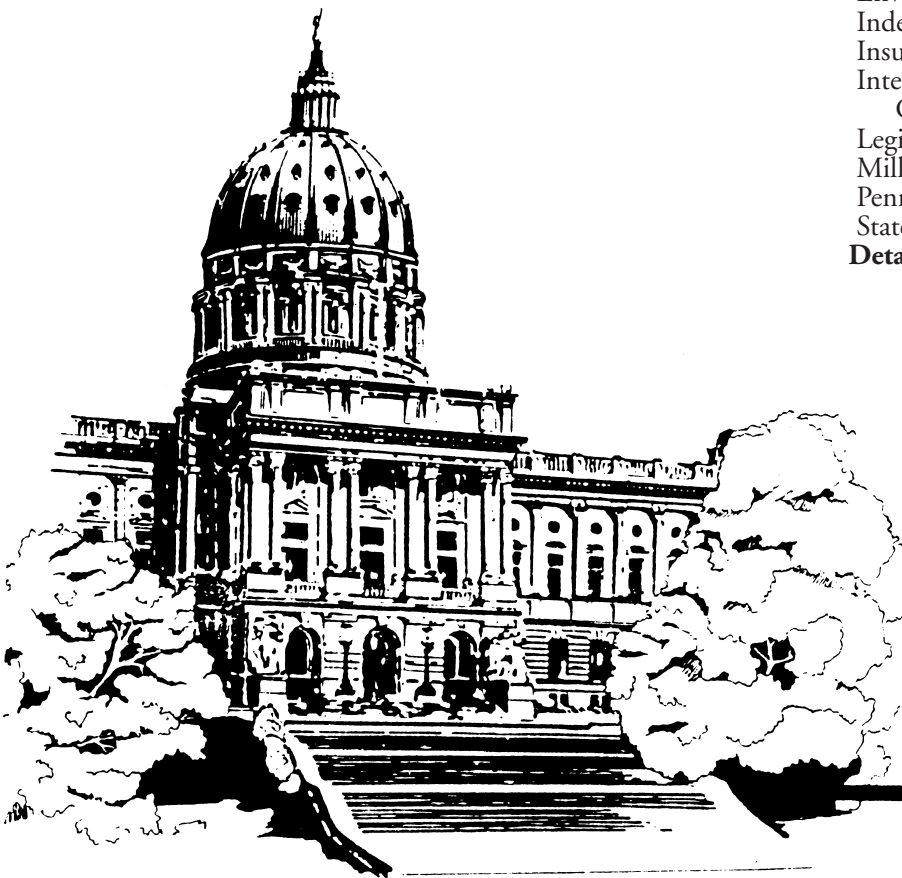


# PENNSYLVANIA BULLETIN

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Independent Regulatory Review Commission  
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Legislative Reference Bureau  
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State Board of Dentistry  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 554 January 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](http://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](http://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.

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#### *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**.

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### 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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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.

<b>4 Pa. Code (Administration)</b>		<b>204 Pa. Code (Judicial System General Provisions)</b>	
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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL [ 231 PA. CODE CH. 200 ] Damages for Delay

#### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART I. GENERAL

##### CHAPTER 200. BUSINESS OF COURTS

#### Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

\* \* \* \* \*

#### Addendum to Explanatory Comment (2021)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 4, 2021	3 1/4
January 2, 2020	4 3/4
January 2, 2019	5 1/2
January 2, 2018	4 1/2
January 3, 2017	3 3/4
January 4, 2016	3 1/2
January 2, 2015	3 1/4
January 2, 2014	3 1/4
January 2, 2013	3 1/4
January 3, 2012	3 1/4
January 3, 2011	3 1/4
January 4, 2010	3 1/4
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

**Official Note:** The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania*

*Bulletin*, 33 Pa.B. 634 (February 1, 2003), and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

*By the Civil Procedural  
Rules Committee*

JOHN J. HARE,  
*Chair*

[Pa.B. Doc. No. 21-73. Filed for public inspection January 15, 2021, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1910 ]

#### Proposed Amendments to Pa.R.C.P. No. 1910.16-2, 1910.16-3, 1910.16-3.1 and 1910.16-6

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania amendments to Pa.R.C.P. No. 1910.16-2, 1910.16-3, 1910.16-3.1, and 1910.16-6 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9531  
[domesticrules@pacourts.us](mailto:domesticrules@pacourts.us)

All communications in reference to the proposal should be received by March 19, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

HONORABLE DANIEL J. CLIFFORD,  
*Chair*

## Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

## PART I. GENERAL

## CHAPTER 1910. ACTIONS FOR SUPPORT

## Rule 1910.16-2. Support Guidelines. Calculation of Monthly Net Income.

\* \* \* \* \*

(d) *Reduced or Fluctuating Income.*

(1) Voluntary Income Reduction [ of Income ]. [ When either party voluntarily assumes a lower paying job, quits a job, leaves employment, changes occupations or changes employment status to pursue an education, or is fired for cause, there generally will be no effect on the support obligation. ] The trier-of-fact shall not adjust a party's net income if the trier-of-fact finds that:

(i) the party's employment earnings reduction resulted from the party willfully attempting to avoid or reduce the support obligation; and

(ii) the party voluntarily assumed a lower paying job, quit a job, left employment, changed occupations, changed employment status to pursue an education, or is fired for cause.

(2) [ *Involuntary Reduction of, and Fluctuations in, Income.* No adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income, including but not limited to the result of illness, lay-off, termination, job elimination or some other employment situation over which the party has no control unless the trier of fact finds that such a reduction in income was willfully undertaken in an attempt to avoid or reduce the support obligation. ] Involuntary Income Reduction. Incarceration. Fluctuations in Income.

(i) Involuntary Income Reduction. The trier-of-fact shall adjust a party's net income for substantial continuing involuntary decreases in income, including but not limited to illness, lay-off, termination, job elimination, or an employment situation over which the party has no control.

(ii) Incarceration. Except as set forth in subdivision (d)(2)(ii)(B):

(A) the trier-of-fact shall:

(I) consider an incarcerated party's employment earnings reduction as an involuntary income reduction as set forth in subdivision (d)(2)(i); and

(II) adjust the incarcerated party's net income accordingly.

(B) A party's incarceration for the following reasons shall not constitute an involuntary income reduction:

(I) support enforcement purposes; or

(II) a criminal offense in which the party's dependent child or the obligee was the victim.

(iii) Earnings Fluctuations. The trier-of-fact shall not adjust a party's net income due to normal or temporary earnings fluctuations.

(3) *Seasonal Employees.* [ Support orders for seasonal employees, such as construction workers,

shall ordinarily be based upon a yearly average ] Generally, the trier-of-fact shall base a seasonal employee's monthly net income on a yearly average.

(4) *Earning Capacity.* [ If the trier of fact determines that a party to a support action has willfully failed to obtain or maintain appropriate employment, the trier of fact may impute to that party an income equal to the party's earning capacity. Age, education, training, health, work experience, earnings history and child care responsibilities are factors which shall be considered in determining earning capacity. In order for an earning capacity to be assessed, the trier of fact must state the reasons for the assessment in writing or on the record. Generally, the trier of fact should not impute an earning capacity that is greater than the amount the party would earn from one full-time position. Determination of what constitutes a reasonable work regimen depends upon all relevant circumstances including the choice of jobs available within a particular occupation, working hours, working conditions and whether a party has exerted substantial good faith efforts to find employment. ]

(i) When a party willfully fails to obtain or maintain appropriate employment, the trier-of-fact may impute to the party an income equal to the party's earning capacity.

(A) Earning Capacity Limitation. The trier-of-fact:

(I) shall not impute to the party an earning capacity that exceeds the amount the party could earn from one full-time position; and

(II) shall determine a reasonable work regimen based upon the party's relevant circumstances, including the jobs available within a particular occupation, working hours and conditions, and whether a party has exerted substantial good faith efforts to find employment.

(B) The trier-of-fact shall base the party's earning capacity on the subdivision (d)(4)(ii) factors.

(C) After assessing a party's earning capacity, the trier-of-fact shall state the reasons for the assessment in writing or on the record.

(D) When the trier-of-fact imputes an earning capacity to a party who would otherwise have childcare expenses if the party were employed, the trier-of-fact shall apportion a reasonable childcare amount between the parties consistent with Pa.R.C.P. No. 1910.16-6(a) even though childcare expenses are not actually incurred.

(ii) Factors. In determining a party's earning capacity, the trier-of-fact shall consider the party's:

(A) assets;

(B) residence;

(C) employment and earnings history;

(D) job skills;

(E) educational attainment;

(F) literacy;

(G) age;

(H) health;



(I) criminal record and other employment barriers;

(J) record of seeking work;

(K) local job market, including the availability of employers who are willing to hire the party;

(L) local community prevailing earnings level;

(M) child care responsibilities; and

(N) other relevant factors.

(e) *Net Income Affecting Application of the Support Guidelines.*

[ (1) *Low-Income Cases.*

(i) If the obligor's monthly net income and corresponding number of children fall into the shaded area of the schedule set forth in Pa.R.C.P. No. 1910.16-3, the basic child support obligation shall be calculated initially by using the obligor's monthly net income only. For example, if the obligor has monthly net income of \$1,100, the presumptive support amount for three children is \$110 per month. This amount is determined directly from the schedule in Pa.R.C.P. No. 1910.16-3. Next, the obligor's child support obligation is calculated by using the parties' combined monthly net incomes and the appropriate formula in Pa.R.C.P. No. 1910.16-4. The lower of the two calculated amounts shall be the obligor's basic child support obligation.

*Example 1:* The parties have two children. The obligor has monthly net income of \$1,500, which falls into the shaded area of the schedule for two children. Using only the obligor's monthly net income, the amount of support for two children would be \$472. Next, calculate support using the parties' combined monthly net incomes. The obligee has monthly net income of \$2,500 so the combined monthly net income of the parties is \$4,000. The basic child support amount at that income level for two children is \$1,269. As the obligor's income is 38% of the combined monthly net income of the parties, the obligor's share of the basic support amount is \$482. As the amount of support the obligor would pay using only the obligor's income is less than the amount calculated using the parties' combined monthly net incomes, the lower amount would be awarded, and the obligor's basic child support obligation would be \$472.

(ii) In computing a basic spousal support or alimony *pendente lite* obligation, the presumptive support amount shall not reduce the obligor's monthly net income below the Self-Support Reserve of \$981 per month.

*Example 2:* If the obligor earns \$1,000 per month and the obligee earns \$300 per month, the formula in Pa.R.C.P. No. 1910.16-4(a)(1)(Part B) would result in a support obligation of \$213 per month ( $(\$1,000 \times 33\%)$  or  $\$333$  minus  $(\$300 \times 40\%)$  or \$120 for a total of \$213). Since this amount leaves the obligor with only \$787 per month, it must be adjusted so that the obligor retains at least \$981 per month. The presumptive minimum spousal support amount, therefore, is \$19 per month in this case.

(iii) If the obligor's monthly net income is \$981 or less, the trier-of-fact may award support only after consideration of the parties' actual financial resources and living expenses.

(2) *High-Income Cases.* If the parties' combined monthly net income exceeds \$30,000 per month, child support, spousal support, and alimony *pendente lite* calculations shall be pursuant to Pa.R.C.P. No. 1910.16-3.1.

*Official Note: See Hanrahan v. Bakker, 186 A.3d 958 (Pa. 2018) ]*

(1) *Low-Income Cases.*

(i) *Self-Support Reserve (SSR).*

(A) The SSR is the minimum income reserved to the obligor to meet the obligor's basic needs.

(B) The SSR amount is \$ 1,063 per month.

(ii) *Actions for Child Support Only.* When the obligor's monthly net income and the number of children in the action intersect in the Basic Child Support Schedule's shaded area as set forth in Pa.R.C.P. No. 1910.16-3, the trier-of-fact shall determine the obligor's basic child support obligation utilizing the lesser of the two calculated amounts from the following methodologies.

(A) The initial calculation is determined by using the obligor's monthly net income only, the schedule set forth in Pa.R.C.P. No. 1910.16-3, and the number of children.

(B) The second calculation is determined by using the parties' combined monthly net income and the basic child support formula in Pa.R.C.P. No. 1910.16-4(a).

*Example 1:* The parties have two children. The obligee has monthly net income of \$2,500. The obligor has monthly net income of \$1,500, which falls into the shaded area of the schedule for two children. The initial calculation is made using only the obligor's monthly net income. The basic child support obligation for two children would be \$472. The second calculation uses the parties' combined monthly net income. The parties' combined monthly net income is \$4,000. The basic child support obligation for two children is \$1,269. The obligor's proportionate share of the parties' combined monthly net income is 38% with a basic child support obligation of \$482. The obligor's basic child support obligation using only the obligor's income is less than the amount calculated using the parties' combined monthly net income. As a result, the trier-of-fact should award the lower amount, and the obligor's basic child support obligation is \$472.

(iii) *Actions for Spousal Support/Alimony Pendente Lite Only.*

(A) After calculating the spousal support or alimony *pendente lite* obligation as provided in Pa.R.C.P. No. 1910.16-4, the spousal support obligation shall not reduce the obligor's monthly net income below the SSR.

(B) If the obligor's monthly net income after subtracting the spousal support or alimony *pendente lite* obligation is less than the SSR, the trier-of-fact shall adjust the support obligation downward by an amount sufficient for the obligor to retain the SSR amount.

*Example 2:* The obligor has \$1,000 monthly net income, and the obligee has \$300 monthly net income. The formula in Pa.R.C.P. No. 1910.16-4(a)(1) (Part B) would result in a monthly spousal support

obligation of \$213 ( $(\$1,000 \times 33\%)$  or \$333 minus  $(\$300 \times 40\%)$  or \$120 for a total of \$213). Since this amount leaves the obligor with only \$787 per month, the trier-of-fact should adjust the support obligation so the obligor retains at least \$981 per month. Therefore, the presumptive minimum spousal support obligation is \$19 per month ( $\$1,000 - \$981$ ).

**(iv) Actions with Child Support and Spousal Support or Alimony Pendente Lite.**

**(A) The trier-of-fact shall calculate the spousal support or alimony pendente lite obligation as provided in Pa.R.C.P. No. 1910.16-4.**

**(B) The trier-of-fact shall subtract the calculated spousal support or alimony pendente lite obligation from the obligor’s monthly net income to determine the obligor’s adjusted monthly net income.**

**(C) When the obligor’s adjusted monthly net income and the number of children in the action intersect in the Basic Child Support Schedule’s shaded area as set forth in Pa.R.C.P. No. 1910.16-3, the trier-of-fact:**

**(I) shall not award spousal support or alimony pendente lite; and**

**(II) shall calculate child support as provided in subdivision (e)(1)(ii).**

**Example 3: Obligor and obligee have monthly net incomes of \$2,000 and \$165, respectively, and have two children. Calculating spousal support under (A) results in a spousal support obligation of \$450 ( $\$2,000 \times 25\%$  minus  $\$165 \times 30\%$ ). Obligor’s adjusted monthly net income ( $\$2,000$  minus \$450) is \$1,550. Obligor’s adjusted monthly net income of \$1,550 with two children is in the shaded area of the Basic Child Support Schedule, and as a result, the trier-of-fact shall not award spousal support. Instead, the trier-of-fact should award child support only as provided in subdivision (e)(1)(ii).**

**(D) When the obligor’s monthly net income and the number of children in the action do not intersect in the Basic Child Support Schedule’s shaded area as set forth in Pa.R.C.P. No. 1910.16-3, the trier-of-fact shall calculate child support consistent with Pa.R.C.P. No. 1910.16-4.**

**(I) The combined spousal support or alimony pendente lite and basic child support obligations shall not reduce the obligor’s remaining monthly net income below the SSR.**

**(II) If the obligor’s monthly net income after subtracting the spousal support or alimony pendente lite and basic child support obligations is less than the SSR, the trier-of-fact shall adjust the support obligation downward by an amount sufficient for the obligor to retain the SSR amount.**

**(2) High-Income Cases. If the parties’ combined monthly net income exceeds \$30,000 per month, the**

**trier-of-fact shall calculate child support, spousal support, and alimony pendente lite pursuant to Pa.R.C.P. No. 1910.16-3.1.**

**Official Note: See Hanrahan v. Bakker, 186 A.3d 958 (Pa. 2018)**

(f) *Child Tax Credit.* In order to maximize the total income available to the parties and children, the trier-of-fact may award, as appropriate, the federal child tax credit to the non-custodial parent, or to either parent in cases of equally shared custody, and order the other party to execute the waiver required by the Internal Revenue Code, 26 U.S.C. § 152(e). The tax consequences associated with the federal child tax credit must be considered in calculating the party’s monthly net income available for support.

\* \* \* \* \*

**Explanatory Comment—2015**

The rule has been amended to provide that a party’s support obligation will be reduced by the child’s Social Security derivative benefit amount if that party’s retirement or disability created the benefit and the benefit is being paid to the household in which the child primarily resides or the obligee in cases of equally shared custody. In most cases, payment of the benefit to the obligee’s household will increase the resources available to the child and the parties. The rule is intended to encourage parties to direct that the child’s benefits be paid to the obligee.

**Comment—2021**

**The Self-Support Reserve is determined by the Federal Poverty Guideline for one person converted to a monthly amount—currently \$1,063—for the year the Basic Child Support Schedule was derived.**

**Subdivision (e)(1) addresses low-income cases and has been completely rewritten and identifies the current Self-Support Reserve (SSR) amount as \$1,063 per month. The SSR is the amount of the obligor’s net income reserved to meet the obligor’s basic needs. Subdivisions (e)(1)(ii)—(iv) adjust the methodology for calculating support when the obligor’s net income is at or near the SSR amount.**

**Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule.**

The following schedule represents the amounts spent on children of intact families by combined monthly net income and number of children. Combined monthly net income is on the schedule’s vertical axis and the number of children is on the schedule’s horizontal axis. This schedule determines the basic child support obligation. Unless these rules provide otherwise, the obligor’s share of the basic support obligation shall be computed using either the formula set forth in Pa.R.C.P. No. 1910.16-4(a)(1) (Part C) or (2)(Part I).

(Editor’s Note: The following chart is proposed to be replaced in its entirety.)

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
1100	33	33	34	34	34	35
1150	78	79	80	81	81	82

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
1200	123	124	126	127	128	130
1250	168	170	172	174	175	177
1300	213	215	218	220	222	225
1350	258	261	264	267	269	272
1400	303	306	310	313	316	320
1450	334	352	356	360	363	367
1500	346	397	402	406	410	415
1550	357	443	448	453	457	462
1600	369	488	494	499	504	510
1650	380	534	540	546	551	557
1700	392	579	586	592	598	605
1750	403	614	632	639	645	652
1800	415	632	678	685	692	700
1850	426	649	724	732	739	747
1900	438	667	770	778	786	795
1950	449	684	816	825	833	842
2000	461	702	848	871	880	890
2050	472	719	869	918	927	937
2100	484	737	891	964	974	985
2150	495	754	912	1011	1021	1032
2200	507	772	933	1042	1068	1080
2250	518	789	954	1066	1115	1127
2300	530	807	976	1090	1162	1175
2350	541	825	997	1113	1209	1222
2400	553	842	1018	1137	1251	1270
2450	565	860	1039	1161	1277	1317
2500	576	877	1060	1184	1303	1365
2550	588	895	1082	1208	1329	1412
2600	599	912	1103	1232	1355	1460
2650	611	930	1124	1255	1381	1501
2700	622	947	1145	1279	1407	1530
2750	634	965	1166	1303	1433	1558
2800	645	980	1184	1322	1455	1581
2850	657	995	1201	1342	1476	1604
2900	668	1010	1219	1361	1497	1628
2950	680	1026	1236	1381	1519	1651
3000	691	1041	1253	1400	1540	1674
3050	703	1056	1271	1420	1562	1697
3100	714	1071	1288	1439	1583	1721
3150	726	1086	1306	1458	1604	1744
3200	737	1103	1325	1479	1627	1769
3250	747	1120	1345	1502	1652	1796
3300	758	1137	1365	1524	1677	1823
3350	768	1154	1385	1547	1702	1850
3400	778	1171	1405	1569	1726	1876
3450	789	1188	1425	1592	1751	1903
3500	799	1205	1445	1614	1776	1930
3550	810	1222	1465	1637	1800	1957
3600	820	1238	1485	1659	1825	1983
3650	828	1251	1500	1676	1843	2003
3700	837	1264	1515	1692	1862	2023
3750	845	1276	1530	1709	1880	2044
3800	854	1289	1545	1726	1898	2064
3850	862	1302	1560	1743	1917	2084
3900	871	1314	1575	1759	1935	2104
3950	879	1327	1590	1776	1954	2124
4000	888	1340	1605	1793	1972	2144
4050	894	1349	1616	1805	1986	2159
4100	900	1357	1625	1815	1996	2170
4150	905	1364	1633	1824	2007	2181
4200	910	1372	1642	1834	2017	2193
4250	915	1379	1650	1843	2028	2204
4300	920	1387	1659	1853	2038	2215
4350	926	1394	1667	1862	2048	2227

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
4400	931	1402	1676	1872	2059	2238
4450	936	1409	1684	1881	2069	2249
4500	941	1414	1688	1886	2074	2255
4550	945	1420	1692	1890	2079	2260
4600	950	1425	1697	1895	2085	2266
4650	955	1431	1701	1900	2090	2272
4700	960	1436	1706	1905	2096	2278
4750	964	1441	1710	1910	2101	2284
4800	969	1447	1714	1915	2107	2290
4850	974	1452	1719	1920	2112	2296
4900	980	1461	1730	1933	2126	2311
4950	986	1473	1745	1949	2144	2330
5000	993	1484	1759	1965	2162	2350
5050	999	1495	1774	1982	2180	2370
5100	1006	1506	1789	1998	2198	2389
5150	1012	1517	1803	2014	2216	2409
5200	1019	1528	1818	2031	2234	2428
5250	1026	1539	1833	2047	2252	2448
5300	1032	1549	1845	2061	2267	2464
5350	1036	1553	1849	2065	2272	2469
5400	1040	1558	1853	2069	2276	2474
5450	1044	1562	1856	2073	2281	2479
5500	1048	1567	1860	2078	2285	2484
5550	1052	1571	1864	2082	2290	2489
5600	1056	1576	1867	2086	2294	2494
5650	1060	1581	1871	2090	2299	2499
5700	1064	1585	1875	2094	2304	2504
5750	1069	1592	1881	2101	2312	2513
5800	1074	1599	1889	2110	2321	2523
5850	1080	1606	1896	2118	2330	2532
5900	1085	1614	1903	2126	2339	2542
5950	1091	1621	1911	2134	2348	2552
6000	1097	1628	1918	2143	2357	2562
6050	1102	1636	1926	2151	2366	2572
6100	1108	1643	1933	2159	2375	2582
6150	1114	1651	1942	2169	2386	2594
6200	1122	1663	1955	2184	2402	2611
6250	1131	1675	1968	2198	2418	2628
6300	1139	1686	1981	2212	2434	2645
6350	1147	1698	1993	2227	2449	2662
6400	1155	1709	2006	2241	2465	2680
6450	1164	1721	2019	2255	2481	2697
6500	1172	1733	2032	2270	2497	2714
6550	1180	1744	2045	2284	2512	2731
6600	1188	1756	2058	2298	2528	2748
6650	1197	1767	2070	2313	2544	2765
6700	1205	1779	2083	2327	2560	2783
6750	1213	1791	2096	2341	2576	2800
6800	1220	1801	2109	2356	2591	2817
6850	1226	1811	2122	2370	2607	2834
6900	1232	1821	2135	2385	2623	2851
6950	1238	1831	2148	2399	2639	2869
7000	1244	1841	2161	2414	2655	2886
7050	1250	1851	2174	2428	2671	2903
7100	1256	1861	2187	2443	2687	2921
7150	1262	1871	2200	2457	2703	2938
7200	1268	1881	2213	2472	2719	2955
7250	1274	1891	2226	2486	2735	2972
7300	1281	1901	2239	2500	2750	2990
7350	1287	1911	2251	2515	2766	3007
7400	1293	1921	2264	2529	2782	3024
7450	1297	1928	2272	2538	2792	3035
7500	1302	1934	2279	2546	2801	3044
7550	1307	1941	2287	2554	2809	3054

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
7600	1312	1947	2294	2562	2818	3064
7650	1316	1954	2301	2570	2827	3073
7700	1321	1960	2308	2578	2836	3083
7750	1326	1967	2315	2586	2845	3092
7800	1330	1973	2322	2594	2854	3102
7850	1335	1980	2330	2602	2862	3111
7900	1340	1987	2337	2610	2871	3121
7950	1345	1993	2344	2618	2880	3131
8000	1349	2000	2351	2626	2889	3140
8050	1354	2006	2359	2635	2898	3150
8100	1360	2015	2367	2644	2908	3161
8150	1366	2023	2375	2653	2918	3172
8200	1372	2031	2384	2662	2929	3183
8250	1379	2039	2392	2672	2939	3194
8300	1385	2047	2400	2681	2949	3206
8350	1391	2055	2408	2690	2959	3217
8400	1397	2063	2417	2699	2969	3228
8450	1403	2071	2425	2709	2980	3239
8500	1409	2079	2433	2718	2990	3250
8550	1415	2087	2442	2727	3000	3261
8600	1421	2095	2450	2737	3010	3272
8650	1427	2103	2458	2746	3020	3283
8700	1433	2111	2466	2755	3031	3294
8750	1439	2119	2475	2764	3041	3305
8800	1445	2127	2483	2774	3051	3316
8850	1451	2135	2491	2783	3061	3327
8900	1457	2143	2499	2791	3070	3337
8950	1461	2147	2503	2796	3076	3343
9000	1465	2152	2508	2801	3082	3350
9050	1468	2157	2513	2807	3087	3356
9100	1472	2162	2517	2812	3093	3362
9150	1476	2167	2522	2817	3099	3368
9200	1480	2172	2526	2822	3104	3374
9250	1484	2177	2531	2827	3110	3381
9300	1488	2181	2536	2832	3116	3387
9350	1492	2186	2540	2838	3121	3393
9400	1495	2191	2545	2843	3127	3399
9450	1499	2196	2550	2848	3133	3405
9500	1503	2201	2554	2853	3138	3412
9550	1507	2206	2559	2858	3144	3418
9600	1511	2210	2564	2864	3150	3424
9650	1515	2215	2568	2869	3156	3430
9700	1519	2220	2573	2874	3161	3436
9750	1524	2227	2580	2882	3170	3446
9800	1531	2238	2593	2896	3186	3463
9850	1538	2248	2605	2910	3201	3479
9900	1545	2259	2618	2924	3216	3496
9950	1552	2269	2630	2938	3231	3513
10000	1559	2280	2642	2952	3247	3529
10050	1566	2290	2655	2966	3262	3546
10100	1573	2301	2667	2979	3277	3562
10150	1581	2312	2680	2993	3293	3579
10200	1588	2322	2692	3007	3308	3596
10250	1595	2333	2705	3021	3323	3612
10300	1602	2343	2717	3035	3339	3629
10350	1609	2354	2730	3049	3354	3646
10400	1616	2365	2742	3063	3369	3662
10450	1623	2375	2754	3077	3384	3679
10500	1631	2386	2767	3091	3400	3695
10550	1638	2396	2779	3105	3415	3712
10600	1645	2407	2792	3118	3430	3729
10650	1652	2417	2804	3132	3446	3745
10700	1659	2428	2817	3146	3461	3762
10750	1666	2439	2829	3160	3476	3779

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
10800	1673	2449	2842	3174	3491	3795
10850	1680	2460	2854	3188	3507	3812
10900	1688	2470	2867	3202	3522	3828
10950	1695	2481	2879	3216	3537	3845
11000	1702	2491	2891	3230	3553	3862
11050	1708	2499	2899	3239	3562	3872
11100	1713	2507	2907	3247	3572	3883
11150	1719	2514	2915	3256	3581	3893
11200	1725	2522	2922	3264	3591	3903
11250	1730	2529	2930	3273	3600	3913
11300	1736	2537	2938	3282	3610	3924
11350	1742	2544	2946	3290	3619	3934
11400	1747	2552	2953	3299	3629	3944
11450	1753	2559	2961	3307	3638	3955
11500	1759	2567	2969	3316	3648	3965
11550	1764	2574	2976	3325	3657	3975
11600	1770	2582	2984	3333	3667	3986
11650	1776	2589	2992	3342	3676	3996
11700	1782	2597	3000	3350	3686	4006
11750	1787	2604	3007	3359	3695	4016
11800	1793	2612	3015	3368	3704	4027
11850	1799	2619	3023	3376	3714	4037
11900	1804	2627	3030	3385	3723	4047
11950	1810	2634	3038	3394	3733	4058
12000	1816	2642	3046	3402	3742	4068
12050	1821	2649	3053	3411	3752	4078
12100	1827	2657	3061	3419	3761	4089
12150	1833	2664	3069	3428	3771	4099
12200	1838	2672	3077	3437	3780	4109
12250	1844	2679	3084	3445	3790	4119
12300	1850	2687	3092	3454	3799	4130
12350	1855	2695	3100	3462	3809	4140
12400	1861	2702	3107	3471	3818	4150
12450	1867	2710	3115	3480	3828	4161
12500	1873	2717	3123	3488	3837	4171
12550	1878	2725	3131	3497	3847	4181
12600	1884	2732	3138	3505	3856	4191
12650	1890	2740	3146	3514	3865	4202
12700	1895	2747	3154	3523	3875	4213
12750	1900	2756	3166	3536	3890	4228
12800	1905	2764	3177	3549	3904	4244
12850	1910	2773	3189	3562	3918	4259
12900	1915	2782	3200	3575	3932	4274
12950	1920	2790	3212	3588	3947	4290
13000	1925	2799	3224	3601	3961	4305
13050	1930	2807	3235	3614	3975	4321
13100	1935	2816	3247	3627	3989	4336
13150	1940	2825	3258	3640	4004	4352
13200	1945	2833	3270	3652	4018	4367
13250	1950	2842	3281	3665	4032	4383
13300	1955	2850	3293	3678	4046	4398
13350	1960	2859	3305	3691	4060	4414
13400	1965	2868	3316	3704	4075	4429
13450	1970	2876	3328	3717	4089	4445
13500	1975	2885	3339	3730	4103	4460
13550	1980	2893	3351	3743	4117	4476
13600	1985	2902	3363	3756	4132	4491
13650	1990	2910	3374	3769	4146	4506
13700	1995	2919	3386	3782	4160	4522
13750	2000	2928	3397	3795	4174	4537
13800	2005	2936	3409	3808	4188	4553
13850	2010	2945	3420	3821	4203	4568
13900	2015	2953	3432	3834	4217	4584
13950	2020	2962	3444	3847	4231	4599

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
14000	2025	2971	3455	3859	4245	4615
14050	2030	2979	3467	3872	4260	4630
14100	2035	2988	3478	3885	4274	4646
14150	2040	2996	3490	3898	4288	4661
14200	2045	3005	3502	3911	4302	4677
14250	2050	3014	3513	3924	4317	4692
14300	2055	3022	3525	3937	4331	4708
14350	2060	3031	3536	3950	4345	4723
14400	2065	3039	3548	3963	4359	4738
14450	2070	3048	3559	3976	4373	4754
14500	2075	3056	3571	3989	4388	4769
14550	2080	3065	3583	4002	4402	4785
14600	2085	3074	3594	4015	4416	4800
14650	2090	3082	3606	4028	4430	4816
14700	2095	3091	3617	4041	4445	4831
14750	2100	3099	3629	4053	4459	4847
14800	2105	3108	3640	4066	4473	4862
14850	2110	3117	3652	4079	4487	4878
14900	2115	3125	3664	4092	4502	4893
14950	2120	3134	3675	4105	4516	4909
15000	2125	3142	3687	4118	4530	4924
15050	2130	3151	3698	4131	4544	4940
15100	2135	3160	3710	4144	4558	4955
15150	2140	3168	3722	4157	4573	4970
15200	2145	3177	3733	4170	4587	4986
15250	2150	3185	3744	4182	4600	5000
15300	2155	3192	3752	4191	4610	5011
15350	2161	3200	3760	4200	4620	5022
15400	2166	3207	3769	4210	4631	5034
15450	2171	3215	3777	4219	4641	5045
15500	2176	3222	3786	4229	4651	5056
15550	2181	3229	3794	4238	4662	5067
15600	2186	3237	3802	4247	4672	5078
15650	2192	3244	3811	4257	4682	5090
15700	2197	3252	3819	4266	4693	5101
15750	2202	3259	3828	4275	4703	5112
15800	2207	3266	3836	4285	4713	5123
15850	2212	3274	3844	4294	4724	5135
15900	2218	3281	3853	4304	4734	5146
15950	2223	3289	3861	4313	4744	5157
16000	2228	3296	3870	4322	4754	5168
16050	2233	3304	3878	4332	4765	5179
16100	2238	3311	3886	4341	4775	5191
16150	2244	3318	3895	4350	4785	5202
16200	2249	3326	3903	4360	4796	5213
16250	2254	3333	3911	4369	4806	5224
16300	2259	3341	3920	4378	4816	5235
16350	2264	3348	3928	4388	4827	5247
16400	2269	3355	3937	4397	4837	5258
16450	2275	3363	3945	4407	4847	5269
16500	2280	3370	3953	4416	4858	5280
16550	2285	3378	3962	4425	4868	5291
16600	2290	3385	3970	4435	4878	5303
16650	2295	3393	3979	4444	4888	5314
16700	2301	3400	3987	4453	4899	5325
16750	2306	3407	3995	4463	4909	5336
16800	2311	3415	4004	4472	4919	5347
16850	2316	3422	4012	4482	4930	5359
16900	2321	3430	4021	4491	4940	5370
16950	2327	3437	4029	4500	4950	5381
17000	2332	3445	4037	4510	4961	5392
17050	2337	3452	4046	4519	4971	5403
17100	2342	3459	4054	4528	4981	5415
17150	2347	3467	4062	4538	4992	5426

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
17200	2352	3474	4071	4547	5002	5437
17250	2358	3482	4079	4557	5012	5448
17300	2363	3489	4088	4566	5023	5459
17350	2368	3496	4096	4575	5033	5471
17400	2373	3504	4104	4585	5043	5482
17450	2378	3511	4113	4594	5053	5493
17500	2384	3519	4121	4603	5064	5504
17550	2389	3526	4130	4613	5074	5515
17600	2394	3534	4138	4622	5084	5527
17650	2399	3541	4146	4632	5095	5538
17700	2404	3548	4155	4641	5105	5549
17750	2410	3556	4163	4650	5115	5560
17800	2415	3563	4172	4660	5126	5572
17850	2420	3571	4180	4669	5136	5583
17900	2425	3578	4188	4678	5146	5594
17950	2430	3585	4197	4688	5157	5605
18000	2435	3593	4205	4697	5167	5616
18050	2441	3600	4214	4706	5177	5628
18100	2446	3608	4222	4716	5187	5639
18150	2451	3615	4230	4725	5198	5650
18200	2456	3623	4239	4735	5208	5661
18250	2461	3630	4247	4744	5218	5672
18300	2467	3637	4255	4753	5229	5684
18350	2472	3645	4264	4763	5239	5695
18400	2477	3652	4272	4772	5249	5706
18450	2482	3660	4281	4781	5260	5717
18500	2487	3667	4289	4791	5270	5728
18550	2493	3674	4297	4800	5280	5740
18600	2498	3682	4306	4810	5291	5751
18650	2503	3689	4314	4819	5301	5762
18700	2508	3697	4323	4828	5311	5773
18750	2513	3704	4331	4838	5321	5784
18800	2519	3712	4339	4847	5332	5796
18850	2524	3719	4348	4856	5342	5807
18900	2529	3726	4356	4866	5352	5818
18950	2534	3734	4365	4875	5363	5829
19000	2539	3741	4373	4885	5373	5840
19050	2544	3749	4381	4894	5383	5852
19100	2550	3756	4390	4903	5394	5863
19150	2555	3763	4398	4913	5404	5874
19200	2560	3771	4406	4922	5414	5885
19250	2565	3778	4415	4931	5425	5896
19300	2570	3786	4423	4941	5435	5908
19350	2576	3793	4432	4950	5445	5919
19400	2581	3801	4440	4960	5455	5930
19450	2586	3808	4448	4969	5466	5941
19500	2591	3815	4457	4978	5476	5953
19550	2596	3823	4465	4988	5486	5964
19600	2602	3830	4474	4997	5497	5975
19650	2607	3838	4482	5006	5507	5986
19700	2612	3845	4490	5016	5517	5997
19750	2617	3852	4499	5025	5528	6009
19800	2622	3860	4507	5034	5538	6020
19850	2627	3867	4516	5044	5548	6031
19900	2633	3875	4524	5053	5559	6042
19950	2638	3882	4532	5063	5569	6053
20000	2643	3890	4541	5072	5579	6065
20050	2648	3897	4549	5081	5589	6076
20100	2653	3904	4557	5091	5600	6087
20150	2659	3912	4566	5100	5610	6098
20200	2664	3919	4574	5109	5620	6109
20250	2669	3927	4583	5119	5631	6121
20300	2674	3934	4591	5128	5641	6132
20350	2679	3941	4599	5138	5651	6143



<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
20400	2685	3949	4608	5147	5662	6154
20450	2690	3956	4616	5156	5672	6165
20500	2695	3964	4625	5166	5682	6177
20550	2700	3971	4633	5175	5693	6188
20600	2705	3979	4641	5184	5703	6199
20650	2710	3986	4650	5194	5713	6210
20700	2716	3993	4658	5203	5723	6221
20750	2721	4001	4667	5213	5734	6233
20800	2726	4008	4675	5222	5744	6244
20850	2731	4016	4683	5231	5754	6255
20900	2736	4023	4692	5241	5765	6266
20950	2742	4030	4700	5250	5775	6277
21000	2747	4038	4709	5259	5785	6289
21050	2752	4045	4717	5269	5796	6300
21100	2757	4053	4725	5278	5806	6311
21150	2762	4060	4734	5288	5816	6322
21200	2768	4068	4742	5297	5827	6333
21250	2773	4075	4750	5306	5837	6345
21300	2778	4082	4759	5316	5847	6356
21350	2783	4090	4767	5325	5858	6367
21400	2788	4097	4776	5334	5868	6378
21450	2793	4105	4784	5344	5878	6390
21500	2799	4112	4792	5353	5888	6401
21550	2804	4119	4801	5362	5899	6412
21600	2809	4127	4809	5372	5909	6423
21650	2814	4134	4818	5381	5919	6434
21700	2819	4142	4826	5391	5930	6446
21750	2825	4149	4834	5400	5940	6457
21800	2830	4157	4843	5409	5950	6468
21850	2835	4164	4851	5419	5961	6479
21900	2840	4171	4860	5428	5971	6490
21950	2845	4173	4862	5430	5974	6493
22000	2850	4174	4862	5431	5974	6494
22050	2854	4174	4863	5432	5975	6495
22100	2859	4175	4863	5432	5976	6495
22150	2864	4175	4864	5433	5976	6496
22200	2869	4176	4864	5434	5977	6497
22250	2873	4176	4865	5434	5978	6498
22300	2878	4177	4866	5435	5978	6498
22350	2883	4177	4866	5435	5979	6499
22400	2888	4178	4867	5436	5980	6500
22450	2892	4178	4867	5437	5980	6501
22500	2897	4179	4868	5437	5981	6501
22550	2902	4179	4868	5438	5982	6502
22600	2907	4179	4869	5439	5982	6503
22650	2911	4180	4869	5439	5983	6504
22700	2916	4180	4870	5440	5984	6504
22750	2921	4181	4871	5440	5984	6505
22800	2926	4181	4871	5441	5985	6506
22850	2930	4182	4872	5442	5986	6507
22900	2935	4182	4872	5442	5986	6507
22950	2940	4183	4873	5443	5987	6508
23000	2945	4183	4873	5443	5988	6509
23050	2949	4184	4874	5444	5989	6510
23100	2954	4184	4874	5445	5989	6510
23150	2959	4185	4875	5445	5990	6511
23200	2963	4185	4876	5446	5991	6512
23250	2968	4186	4876	5447	5991	6513
23300	2973	4186	4877	5447	5992	6513
23350	2978	4187	4877	5448	5993	6514
23400	2982	4187	4878	5448	5993	6515
23450	2987	4188	4878	5449	5994	6515
23500	2992	4188	4879	5450	5995	6516
23550	2997	4189	4879	5450	5995	6517

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
23600	3001	4189	4880	5451	5996	6518
23650	3006	4189	4881	5452	5997	6518
23700	3011	4190	4881	5452	5997	6519
23750	3016	4190	4882	5453	5998	6520
23800	3020	4191	4882	5453	5999	6521
23850	3025	4191	4883	5454	5999	6521
23900	3030	4192	4883	5455	6000	6522
23950	3035	4192	4884	5455	6001	6523
24000	3039	4193	4884	5456	6002	6524
24050	3044	4193	4885	5457	6002	6524
24100	3049	4194	4886	5457	6003	6525
24150	3054	4194	4886	5458	6004	6526
24200	3058	4195	4887	5458	6004	6527
24250	3063	4195	4887	5459	6005	6527
24300	3068	4196	4888	5460	6006	6528
24350	3072	4196	4888	5460	6006	6529
24400	3077	4197	4889	5461	6007	6530
24450	3082	4197	4889	5462	6008	6530
24500	3087	4198	4890	5462	6008	6531
24550	3091	4198	4891	5463	6009	6532
24600	3096	4199	4891	5463	6010	6533
24650	3101	4199	4892	5464	6010	6533
24700	3106	4200	4892	5465	6011	6534
24750	3110	4200	4893	5465	6012	6535
24800	3115	4200	4893	5466	6012	6536
24850	3120	4201	4894	5466	6013	6536
24900	3125	4201	4894	5467	6014	6537
24950	3129	4202	4895	5468	6014	6538
25000	3134	4202	4896	5468	6015	6538
25000	3139	4203	4896	5469	6016	6539
25050	3144	4203	4897	5470	6017	6540
25100	3148	4204	4897	5470	6017	6541
25150	3153	4204	4898	5471	6018	6541
25200	3158	4205	4898	5471	6019	6542
25250	3162	4205	4899	5472	6019	6543
25300	3167	4206	4899	5473	6020	6544
25350	3172	4206	4900	5473	6021	6544
25400	3177	4207	4901	5474	6021	6545
25450	3181	4207	4901	5475	6022	6546
25500	3186	4208	4902	5475	6023	6547
25550	3191	4208	4902	5476	6023	6547
25600	3196	4209	4903	5476	6024	6548
25650	3200	4209	4903	5477	6025	6549
25700	3205	4210	4904	5478	6025	6550
25750	3210	4210	4904	5478	6026	6550
25800	3215	4210	4905	5479	6027	6551
25850	3219	4211	4906	5480	6027	6552
25900	3224	4211	4906	5480	6028	6553
25950	3229	4212	4907	5481	6029	6553
26000	3234	4212	4907	5481	6030	6554
26050	3238	4213	4908	5482	6030	6555
26100	3243	4213	4908	5483	6031	6556
26150	3248	4214	4909	5483	6032	6556
26200	3253	4214	4909	5484	6032	6557
26250	3257	4215	4910	5484	6033	6558
26300	3262	4215	4911	5485	6034	6559
26350	3267	4216	4911	5486	6034	6559
26400	3271	4216	4912	5486	6035	6560
26450	3276	4217	4912	5487	6036	6561
26500	3281	4217	4913	5488	6036	6562
26550	3286	4218	4913	5488	6037	6562
26600	3290	4218	4914	5489	6038	6563
26650	3295	4219	4914	5489	6038	6564
26700	3300	4219	4915	5490	6039	6564

<i>Basic Child Support Schedule</i>						
<i>Combined Adjusted Net Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
26750	3305	4220	4916	5491	6040	6565
26800	3309	4220	4916	5491	6040	6566
26850	3314	4221	4917	5492	6041	6567
26900	3319	4221	4917	5493	6042	6567
26950	3324	4221	4918	5493	6042	6568
27000	3328	4222	4918	5494	6043	6569
27050	3333	4222	4919	5494	6044	6570
27100	3338	4223	4919	5495	6045	6570
27150	3343	4223	4920	5496	6045	6571
27200	3347	4224	4921	5496	6046	6572
27250	3352	4224	4921	5497	6047	6573
27300	3357	4225	4922	5498	6047	6573
27350	3362	4225	4922	5498	6048	6574
27400	3366	4226	4923	5499	6049	6575
27450	3371	4226	4923	5499	6049	6576
27500	3376	4227	4924	5500	6050	6576
27550	3380	4227	4924	5501	6051	6577
27600	3385	4228	4925	5501	6051	6578
27650	3390	4228	4926	5502	6052	6579
27700	3395	4229	4926	5502	6053	6579
27750	3399	4229	4927	5503	6053	6580
27800	3404	4230	4927	5504	6054	6581
27850	3409	4230	4928	5504	6055	6582
27900	3414	4231	4928	5505	6055	6582
27950	3418	4231	4929	5506	6056	6583
28000	3423	4231	4929	5506	6057	6584
28050	3428	4232	4930	5507	6058	6585
28100	3433	4232	4931	5507	6058	6585
28150	3437	4233	4931	5508	6059	6586
28200	3442	4233	4932	5509	6060	6587
28250	3447	4234	4932	5509	6060	6587
28300	3452	4234	4933	5510	6061	6588
28350	3456	4235	4933	5511	6062	6589
28400	3461	4235	4934	5511	6062	6590
28450	3466	4236	4934	5512	6063	6590
28500	3471	4236	4935	5512	6064	6591
28550	3475	4237	4936	5513	6064	6592
28600	3480	4237	4936	5514	6065	6593
28650	3485	4238	4937	5514	6066	6593
28700	3489	4238	4937	5515	6066	6594
28750	3494	4239	4938	5516	6067	6595
28800	3499	4239	4938	5516	6068	6596
28850	3504	4240	4939	5517	6068	6596
28900	3508	4240	4939	5517	6069	6597
28950	3513	4241	4940	5518	6070	6598
29000	3518	4241	4941	5519	6070	6599
29050	3523	4242	4941	5519	6071	6599
29100	3527	4242	4942	5520	6072	6600
29150	3532	4242	4942	5520	6073	6601
29200	3537	4243	4943	5521	6073	6602
29250	3542	4243	4943	5522	6074	6602
29300	3546	4244	4944	5522	6075	6603
29350	3551	4244	4944	5523	6075	6604
29400	3556	4245	4945	5524	6076	6605
29450	3561	4245	4946	5524	6077	6605
29500	3565	4246	4946	5525	6077	6606
29550	3570	4246	4947	5525	6078	6607
29600	3575	4247	4947	5526	6079	6608
29650	3580	4247	4948	5527	6079	6608
29700	3584	4248	4948	5527	6080	6609
29750	3589	4248	4949	5528	6081	6610
29800	3594	4249	4949	5529	6081	6611
29850	3598	4249	4950	5529	6082	6611
29900	3603	4250	4951	5530	6083	6612

Basic Child Support Schedule						
Combined Adjusted Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
29950	3608	4250	4951	5530	6083	6613
30000	3608	4250	4951	5530	6083	6613

\* \* \* \* \*

**Explanatory Comment—2013**

The basic child support schedule has been amended to reflect updated economic data. It also reflects an increase in the Self-Support Reserve to \$931, the 2012 poverty level for one person, which has been incorporated into the schedule.

**Comment—2021**

Previously, the Basic Child Support Schedule incorporated a 30% child custody presumption, which created approximately a 5% decrease in the child support obligation across all income levels regardless of the actual custody schedule. The new Basic Child Support Schedule reflects the actual expenses of an intact family living in a single household at the various income levels and the number of children with no shared custody adjustment.

To the extent the parties share physical custody with the obligor having 40% or more of the annual overnights as set forth in Pa.R.C.P. No. 1910.16-4(c), the formula in Pa.R.C.P. 1910.1604(a)(1)(Part D) or (a)(2)(Part II) should be used to calculate the appropriate shared custody adjustment.

**Rule 1910.16-3.1. Support Guidelines. High-Income Cases.**

(a) *Child Support Formula.* If the parties' combined monthly net income exceeds \$30,000, the trier-of-fact shall apply the following three-step process [ shall be applied ] to calculate the parties' respective basic child support obligations. The support amount calculated pursuant to this three-step process shall not be less than the support amount that would have been awarded if the parties' combined monthly net income was \$30,000. The calculated amount is the presumptive minimum basic child support [ amount ] obligation.

[ (1) The following formula shall be applied as a preliminary analysis in calculating the basic child support amount apportioned between the parties according to their respective monthly net incomes: ]

(1) Preliminary Analysis. Using the following formula, the trier-of-fact shall calculate the basic child support obligation and apportion the obligation based on the parties' respective monthly net income.

- One child: [  $\$2,839 + 8.6\%$  ]  $\$3,608 + 4.0\%$  of combined monthly net income above \$30,000.
- Two children: [  $\$3,902 + 11.8\%$  ]  $\$4,250 + 4.0\%$  of combined monthly net income above \$30,000.
- Three children: [  $\$4,365 + 12.9\%$  ]  $\$4,951 + 4.7\%$  of combined monthly net income above \$30,000.

- Four children: [  $\$4,824 + 14.6\%$  ]  $\$5,530 + 5.3\%$  of combined monthly net income above \$30,000.
- Five children: [  $\$5,306 + 16.1\%$  ]  $\$6,083 + 5.8\%$  of combined monthly net income above \$30,000.
- Six children: [  $\$5,768 + 17.5\%$  ]  $\$6,613 + 6.3\%$  of combined monthly net income above \$30,000[ ; ].

[ (2) The trier-of-fact shall apply the formulas in Pa.R.C.P. No. 1910.16-4(a)(1)(Part D) and (Part E) or (2)(Part II) and (Part III), adjusting for substantial or shared custody pursuant to Pa.R.C.P. No. 1910.16-4(c) and allocating additional expenses pursuant to Pa.R.C.P. No. 1910.16-6, as appropriate; ]

(2) *Adjustments.* The trier-of-fact shall adjust the basic child support obligation as appropriate for:

- (i) substantial or equally shared custody pursuant to Pa.R.C.P. No. 1910.16-4(c) by applying the formula in Pa.R.C.P. No. 1910.16-4(a)(1)(Part D) or (a)(2)(Part II); and
- (ii) allocating additional expenses pursuant to Pa.R.C.P. No. 1910.16-6 by applying the formula in Pa.R.C.P. No. 1910.16-4(a)(1)(Part E) or (a)(2)(Part III).

(3) *Deviation.*

(i) The trier-of-fact shall consider the factors in Pa.R.C.P. No. 1910.16-5 in making a final child support award and shall make findings of fact on the record or in writing.

(ii) After considering the factors in Pa.R.C.P. No. 1910.16-5, the trier-of-fact may adjust the [ amount ] the basic child support obligation calculated pursuant to subdivisions [ (1) and (2) ] (a)(1) and (a)(2), subject to the presumptive minimum.

(b) *Spousal Support [ and ] or Alimony Pendente Lite.*

(1) In cases in which the parties' combined monthly net income exceeds \$30,000, the trier-of-fact shall apply the formula in either Pa.R.C.P. No. 1910.16-4(a)(1)(Part B) or [ (2)(Part IV) ] (a)(2)(Part IV) as a preliminary analysis in calculating spousal support or alimony *pendente lite*.

(2) In determining the final spousal support or alimony *pendente lite* [ amount ] obligation and duration, the trier-of-fact shall consider the factors in Pa.R.C.P. No. 1910.16-5 and shall make findings of fact on the record or in writing.

\* \* \* \* \*

**Rule 1910.16-6. Support Guidelines. Basic Support Obligation Adjustments. Additional Expenses Allocation.**

\* \* \* \* \*

(a) *Child care expenses.*

(1) The trier-of-fact shall allocate reasonable child care expenses:

(i) paid by the parties, if necessary to maintain employment or appropriate education in pursuit of income; or

(ii) when the trier-of-fact imputes an earning capacity to a party as provided in Pa.R.C.P. No. 1910.16-2(d)(4)(i)(C).

(2) The trier-of-fact may order that the obligor's share is added to [ his or her ] the basic child support obligation, paid directly to the service provider, or paid directly to the obligee.

(3) When a party is receiving a child care subsidy through the Department of Human Services, the expense allocated between the parties is the amount actually paid by the party receiving the subsidy.

[ *Example. Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Pa.R.C.P. No. 1910.16-3 is \$1,463 for two children. As Father's income is 64% of the parties' combined monthly net income, his share is \$936. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses per month. The total child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As Father is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of \$1,156 (\$936 + \$220 = \$1,156).* ]

[ (1) ] (4) Documentation of the child care expenses shall be provided to the other party within a reasonable period of time after receipt unless the service provider invoices the parties separately for [ their ] the party's proportionate share of the expense. Allocation of expenses for which documentation is not timely provided to the other party shall be within the discretion of the [ court ] trier-of-fact.

[ (2) ] (5) Except as provided in subdivision [ (3) ] (a)(6), the total child care expenses shall be reduced to reflect [ the amount of ] the federal child care tax credit available to the eligible party, whether or not the credit is actually claimed by that party, up to the maximum annual cost allowable under the Internal Revenue Code.

[ (3) ] (6) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the eligible party is not qualified to receive the credit.

Example. Mother has primary custody of the parties' two children and Father has partial custody. The parties' respective monthly net incomes are \$2,000 and \$3,500, respectively. At the combined monthly net income level of \$5,500 for two children, the basic child support obligation is \$1,567. As Father's income represents 64% of the parties' combined monthly net income, Father's basic child support obligation is \$1,003. Mother incurs child care expenses of \$400 per month, and Father incurs \$100 per month. The total child care expenses, \$500, will be apportioned between the parties, with Fa-

ther paying 64%, or \$320. As Father is paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a child support obligation of \$1,223 (\$1,003 + \$220).

(b) *Health Insurance Premiums.*

(1) The trier-of-fact shall allocate the health insurance premiums paid by the parties, including the premium attributable to the party paying the premium, provided that a statutory duty of support is owed to the party or child covered by the health insurance.

\* \* \* \* \*

**Official Note:** If the trier of fact determines that the obligee acted reasonably in obtaining services which were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

[ (d) *Private School Tuition. Summer Camp. Other Needs.* Expenditures for needs outside the scope of typical child-rearing expenses, e.g., private school tuition, summer camps, have not been factored into the Basic Child Support Schedule.

(1) If a party incurs an expense for a need not factored into the Basic Child Support Schedule and the trier-of-fact determines the need and expense are reasonable, the trier-of-fact shall allocate the expense. The trier-of-fact may order that the obligor's expense share is added to his or her basic support obligation, paid directly to the service provider, or paid directly to the obligee.

(2) Documentation of the expenses allocated under (d)(1) shall be provided to the other party not later than March 31 of the year following the calendar year in which the invoice was received unless the service provider invoices the parties separately for their proportionate share of the expense. For purposes of subsequent enforcement, these expenses need not be submitted to the domestic relations section prior to March 31. Allocation of expenses for which documentation is not timely provided to the other party shall be within the discretion of the court. ]

(d) Private School Tuition or Summer Camp. Additional Expenses. Expenses outside the scope of typical child-rearing expenses, including, but not limited to, private school tuition, summer camps, and other expenses as set forth in subdivision (d)(2), have not been factored into the Basic Child Support Schedule.

(1) Private School Tuition or Summer Camp. If the trier-of-fact determines that private school or summer camp and the associated costs are reasonable, the trier-of-fact shall apportion the expense to the parties.

(2) Additional Expenses.

(i) The trier-of-fact shall apportion to the parties additional expenses in the child's best interest, including those related to the child's educational, extra-curricular, and developmental activities, if the trier-of-fact determines that the:

(A) expense is reasonable under the parties' circumstances; and

(B) its annual cost exceeds 7% of the annual basic child support obligation.

**(ii) The trier-of-fact shall only apportion the amount that exceeds 7% of the annual basic child support obligation.**

**(3) The trier-of-fact may order that a party's proportionate share of the expense is either:**

**(i) included in or excluded from the basic child support obligation;**

**(ii) paid directly to the service provider; or**

**(iii) paid directly to the other party.**

**(4) Documentation.**

**(i) Unless the service provider invoices the parties separately, the party incurring the expense shall provide the other party with the expense's documentation, such as a receipt or an invoice, promptly upon receipt, but not later than March 31st of the year following the calendar year in which the party incurred the expense.**

**(ii) For subsequent enforcement purposes, a party does not need to submit the expense's documentation to the domestic relations section before March 31.**

**(iii) The trier-of-fact shall have the discretion not to apportion an expense for which a party failed to provide documentation timely to the other party.**

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the trier-of-fact will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise.

\* \* \* \* \*

## PUBLICATION REPORT

### RULE PROPOSAL 180

The Domestic Relations Procedural Rules Committee (Committee) is proposing amendments to Pa.R.C.P. No. 1910.16-2, 1910.16-3, 1910.16-3.1, and 1910.16-6 as part of the Committee's quadrennial support guideline review, which is required by federal law, 42 U.S.C. § 667, state law, 23 Pa.C.S. § 4322, and the Pennsylvania Rules of Civil Procedure, Pa.R.C.P. No. 1910.16-1(e). The published rule amendments represent the substantive changes to the support guidelines. In addition, the Committee will be proposing grammatical and stylistic changes, as well, but due to the rule proposal's length, the Committee has omitted the non-substantive changes from the published rule proposal.

As a result of the Committee's deliberations and economic data review, the Committee is proposing five significant changes to the support guidelines: (1) changing the underlying economic model to Betson-Rothbarth 5 (BR5); (2) eliminating the 30% child custody presumption, which has been factored into the child support schedule since 2010; (3) amendments resulting from federal regulation changes; (4) an amendment to the low-income support calculation; (5) an amendment for apportioning additional expenses in Pa.R.C.P. No. 1910.16-6(d).

As in past support guideline reviews, the Committee has had the assistance of Jane Venohr, Ph.D., *Center for Policy Research*, the economist contracted by the Department of Human Services to advise the Committee during the guideline review and to provide economic and data analysis. Dr. Venohr outlined for the Committee several issues relevant to the guideline review, including new

federal regulations that became effective after the 2015 guideline review and a new child-rearing expenditures economic study. Dr. Venohr advised the Committee that the new study more accurately assesses the costs associated with raising a child. The current Pennsylvania Child Support Schedule is based on the third Betson-Rothbarth (BR3) study developed by David M. Betson, Ph.D., in 2006 and updated for 2016 price levels using the Consumer Price Index. BR5 uses more recent economic data from the Consumer Expenditure Surveys, which are compiled by the federal government's Bureau of Labor Statistics, and utilizes improved income measures than previous economic studies.

Foundationally, the current child support schedule has had a built-in 30% child custody presumption since 2010. In other words, the child support guideline presumes that the child-support obligor (i.e., the non-custodial parent) has custody of the child 30% of the annual overnights, and as a result, a corresponding downward support obligation adjustment is factored into the basic child support schedule. The presumption is one of two operations in the current support guidelines addressing shared parenting. The second operation is the guideline's current shared-parenting formula in Pa.R.C.P. No. 1910.16-4(c). The Committee is not contemplating an amendment to the rule-based formula. These two operations recognize that the obligor assumes additional direct expenditures for the child during the obligor's custodial time and, as a result, the obligee's expenditures are reduced.

The presumed 30% shared custody results in approximately 5% of the child-rearing expenditures, typically paid by the obligee, being transferred to and paid by the obligor in the underlying data assumptions, which correlates to a similar percentage reduction in the obligor's child support obligation. Although the presumption assumes 30% shared physical custody, the resulting child support decrease is approximately 5% across the child support schedule's spectrum. The smaller percentage decrease (5% vs. 30%) in support results from only a portion of the child's expenses being transferred to the obligor from the obligee. The only expenses transferred to the obligor are those associated with the child's food consumed away from home and entertainment expenses such as admissions and fees, which are categories in the Consumer Expenditure Survey and used in the child support schedule's underlying economic study.

The Committee's rationale for eliminating this presumption is that the presumption decreases the basic child support obligation paid to all obligees regardless of the parties' actual physical custodial schedule and the actual expenditures transferred from obligee to obligor. As a matter of policy, the Committee supports the premise of reducing an obligor's child support obligation when a significant portion of the child's expenses are actually transferred to and paid by the obligor during the shared custodial time. Unfortunately, the 30% custody presumption creates situations, specifically when the obligor has little to no custody, in which an obligor receives the reduced child support benefit without regard to the actual additional direct child expenditures incurred by the obligor. Conversely, other obligors with shared custody greater than 30% but less than 40% do not receive any additional reduction in the child support obligation despite paying more direct child expenditures than created by the presumption since the rule-based shared parenting adjustment does not reduce support until 40% shared parenting.

Moreover, after last guideline review, the Committee received several rulemaking requests related to the guide-

line’s 30% child custody presumption, specifically when the obligor has significantly less than 30% custody. The rulemaking requests are directed at the perceived unfairness that the child custody presumption creates as it relates to when the obligor has little or no shared custody. As noted in the current Pa.R.C.P. No. 1910.16-4’s Explanatory Comment—2010, “[u]pward deviation should be considered in cases in which the obligor has little or no contact with the children.” The support guideline does not otherwise direct how the trier-of-fact should calculate this upward deviation or specifically under what custodial terms. Instead, the trier-of-fact has discretion on whether to upwardly deviate and by how much, which leads to inconsistency in application and amount across the Commonwealth and, perhaps, within the same judicial district.

On the overall, the Committee is concerned that the current rule’s exceptions, i.e., child custody adjustments upward and downward, could overtake the rule with more levels of child custody (less than 30% and greater than 40%) having possible deviations. Instead, the Committee believes eliminating the 30% child custody presumption would resolve the need for an upward adjustment when there is little or no shared custody. Conversely, substantial shared parenting is still addressed in Pa.R.C.P. No. 1910.16-4(c), and in those appropriate circumstances, the trier-of-fact can calculate the appropriate downward deviation based on the formula. Otherwise, the child support schedule would reflect the presumed correct support amount irrespective of the parties’ shared custody arrangement.

As to the other substantive proposed amendments, after the last guideline review, several federal regulations amendments to 45 C.F.R. § 302.56 affecting child support became effective, which impact the current guideline review. First, an amendment to § 302.56(c)(1)(iii) expanded the factors the trier-of-fact must consider when imputing income to a party. Although the current guidelines have most of the amended federal regulation’s factors, the rule proposal essentially copies the federal regulation factors to ensure compliance.

Also, 45 C.F.R. § 302.56(c)(3) now provides that a state’s guidelines cannot treat incarceration as voluntary unemployment in establishing or modifying support orders. The proposed Pa.R.C.P. No. 1910.16-2(d) addresses

this federal regulation by noting that incarceration with two limited exceptions is involuntary unemployment, and the trier-of-fact should adjust the incarcerated party’s net income, accordingly. The two limited exceptions are that adjusting the incarcerated party’s income is not appropriate if the incarceration is as a result of a criminal offense in which the party’s dependent child or the obligee was the victim or is due to support enforcement. The two exceptions are also currently being proposed as exceptions to § 302.56(c)(3).

Next, the Committee is proposing an amendment to Pa.R.C.P. No. 1910.16-2(e) regarding the low-income calculation. This rule had been amended as part of the rule amendments related to the Tax Cut and Jobs Act, which were effective January 1, 2019. The rule as proposed addresses the low-income calculation in three ways: child support only, spousal support only, and combined child and spousal support cases.

Finally, the Committee proposes a significant amendment and rewriting of Pa.R.C.P. No. 1910.16-6(d) that addresses private school tuition, summer camp, and other child-related expenditures. The Committee received numerous inquiries regarding this rule and what was factored into the child support schedules. To further define the expenditures that the trier-of-fact should consider, the rule is subdivided with a subdivision directed at the other expenditures. Under the proposed rule, additional reasonable expenses in the child’s best interest, including those related to the child’s educational, extracurricular, and developmental activities, are subject to apportionment if the trier-of-fact determines that the annual expense exceeds 7% of the annual support obligation. The amount exceeding 7% is subject to apportionment.

For additional information on the support guideline review, the Committee is posting Dr. Venohr’s preliminary report on the Committee’s website at: <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>

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

[Pa.B. Doc. No. 21-74. Filed for public inspection January 15, 2021, 9:00 a.m.]

## SUPREME COURT

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

#### Order

*Per Curiam:*

And Now, this 24th day of December, 2020, the emergency duty assignment for the year 2021, is herewith adopted.

January	Justice Debra Todd Justice David Wecht	(Eastern District) (Western District)
February	Justice Max Baer Justice Kevin Dougherty	(Eastern District) (Western District)
March	Justice Christine Donohue Justice Sallie Updyke Mundy	(Eastern District) (Western District)
April	Justice David Wecht Justice Debra Todd	(Eastern District) (Western District)
May	Justice Kevin Dougherty Justice Tom Saylor	(Eastern District) (Western District)
June	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)

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

[Pa.B. Doc. No. 21-75. Filed for public inspection January 15, 2021, 9:00 a.m.]

**SUPREME COURT**

**Schedule of Holidays for Year 2022 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 544 Judicial Administration Doc.**

**Order**

*Per Curiam:*

And Now, this 31st day of December, 2020, it is hereby ordered that the following paid holidays for calendar year 2022 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

December 31, 2021	New Year's Day Observed
January 17, 2022	Martin Luther King, Jr. Day
February 21, 2022	Presidents' Day
April 15, 2022	Good Friday
May 30, 2022	Memorial Day
July 04, 2022	Independence Day
September 05, 2022	Labor Day
October 10, 2022	Columbus Day
November 08, 2022	Election Day**
November 11, 2022	Veterans' Day
November 24, 2022	Thanksgiving Day
November 25, 2022	Day after Thanksgiving
December 26, 2022	Christmas Day Observed

\*\*AOPC only; Appellate courts will be open.

[Pa.B. Doc. No. 21-76. Filed for public inspection January 15, 2021, 9:00 a.m.]

**SUPREME COURT**

**Sessions of the Supreme Court of Pennsylvania for the Year 2022; No. 545 Judicial Administration Doc.**

**Order**

*Per Curiam:*

And Now, this 31st day of December, 2020, it is hereby ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2022 as follows:

Philadelphia (Administrative Session)	February 1st
Philadelphia	March 7th through March 11th
Harrisburg (Administrative Session)	March 22nd
Pittsburgh	April 11th through April 14th
Harrisburg	May 9th through May 13th
Pittsburgh (Administrative Session)	June 7th
Philadelphia	September 12th through September 15th
Pittsburgh	October 24th through October 28th
Harrisburg	November 28th through December 2nd

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 21-77. Filed for public inspection January 15, 2021, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121 AND 127 ]

#### Air Quality Fee Schedule Amendments

The Environmental Quality Board (Board) amends Chapters 121 (relating to general provisions) and 127, Subchapters F and I (relating to operating permit requirements; and plan approval and operating permit fees) as set forth in Annex A. This final-form rulemaking amends existing requirements in Subchapter F and existing air quality plan approval and operating permit fee schedules in Subchapter I. It also establishes fees in Subchapter I to address the disparity between revenue and expenses for the Department of Environmental Protection's (Department) Air Quality Program. These increased fees and new fees will provide a sound fiscal basis for continued air quality assessments and planning that are fundamental to protecting the public health and welfare and the environment. Increased funding for the Air Quality Program will also continue to allow for timely and complete review of plan approval and operating permit applications that provides the certainty businesses need to expand or locate in this Commonwealth.

This final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) or as an amendment to the Title V Program Approval codified in 40 CFR Part 70, Appendix A (relating to approval status of state and local operating permits programs), as appropriate, following promulgation.

This final-form rulemaking was adopted by the Board at its meeting of July 21, 2020.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Viren Trivedi, Chief, Division of Permits, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-9476; or Jennie Demjanick, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board").

#### C. *Statutory Authority*

This final-form rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to

adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth and section 5(a)(8) of the APCA (35 P.S. § 4005(a)(8)), which grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

This final-form rulemaking is further authorized under section 6.3 of the APCA (35 P.S. § 4006.3), which grants to the Board the authority to adopt regulations to establish fees sufficient to cover the indirect and direct costs of administering the air pollution control plan approval process; operating permit program required by Title V of the CAA (42 U.S.C.A. §§ 7661—7661f); other requirements of the CAA; and the indirect and direct costs of administering the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, Compliance Advisory Committee and Office of Small Business Ombudsman. This section also authorizes the Board by regulation to establish fees to support the air pollution control program authorized by the APCA and not covered by fees required by section 502(b) of the CAA (42 U.S.C.A. § 7661a(b)).

#### D. *Background and Purpose*

This final-form rulemaking amends Chapters 121 and 127, Subchapters F and I. This final-form rulemaking amends existing requirements in Subchapter F and existing air quality plan approval and operating permit fee schedules in Subchapter I. It also establishes fees in Subchapter I to address the disparity between revenue and expenses for the Department's Air Quality Program. These amendments ensure that fees are sufficient to cover the costs of administering the plan approval application and operating permit process as required by section 502(b) of the CAA and section 6.3 of the APCA.

The Department proposed new fees for applications for the following: plantwide applicability limits (PAL); ambient air impact modeling of certain plan approval applications; risk assessments; asbestos abatement or demolition or renovation project notifications (asbestos notifications); and requests for determination (RFD). This final-form rulemaking also includes a provision stating that the Department may establish fees for the use of general plan approvals (GPA) and general operating permits (GP) for stationary or portable sources and the fees will be established when the GPA or GP is issued or modified by the Department. The Department also adjusted the name of the annual operating permit "administration" fee to an annual operating permit "maintenance" fee that will be due on or before December 31 of each year.

The fee structure will ensure the continued protection of public health and welfare of the approximately 12.8 million residents of this Commonwealth and the environment and allow the Commonwealth to meet the obligations required by the CAA. This financial support is also necessary to ensure the timely issuance of air quality permits for the regulated community, which could help retain and attract businesses to this Commonwealth. As a result, residents of this Commonwealth and industries benefit from this final-form rulemaking.

The plan approval application and operating permit fee schedules in this final-form rulemaking are designed to

bring the Department's Air Quality Program's permitting fee revenue in line with expenditures so that the Air Quality Program is self-sustaining as required under the CAA. The new and increased fees in this final-form rulemaking are needed to cover the Department's costs related to implementing the air pollution control plan approval and operating permit process required under the CAA and APCA to attain and maintain the National Ambient Air Quality Standards (NAAQS) for air pollutants including ozone, particulate matter, lead, carbon monoxide, nitrogen dioxide and sulfur dioxide, as well as other requirements of the CAA, APCA and regulations promulgated thereunder. Controlling air pollutant emissions is essential to protecting public health and welfare and the environment.

The Department's Air Quality Program issues plan approval and operating permits for two types of sources—major and nonmajor. See 24 Pa.B. 5899 (November 26, 1994). This permitting program was subsequently reviewed and approved by the EPA. See 61 FR 39597 (July 30, 1996). Major sources are those that emit air pollution above designated thresholds under the CAA, and nonmajor sources are those that emit air pollution below the thresholds. See 42 U.S.C.A. § 7661. Major sources are subject to the statutory requirements under Title V of the CAA and are referred to as Title V sources. Conversely, nonmajor sources are subject to the APCA, but not Title V of the CAA, and are referred to as Non-Title V sources.

In recent years, the Department, like many State and local agencies, has experienced shortfalls in fee revenue due to emissions reductions at major facilities. This shortfall has led many agencies to re-evaluate their fee structures. A number of State and local agencies are currently in the process of adjusting their fee schedules to address the decline in program funding.

The Department currently regulates approximately 500 Title V and 2,100 Non-Title V facilities in this Commonwealth. Establishing the fee schedules in this final-form rulemaking will provide the necessary financial support to continue the Department's air quality plan approval application and operating permit process and initiatives to protect the public health and welfare of the approximately 12.8 million residents of this Commonwealth and the environment. This financial support will also help ensure the timely issuance of air quality permits for the regulated community, which will help retain and attract businesses to this Commonwealth.

In accordance with 40 CFR 70.10(b) and (c) (relating to Federal oversight and sanctions), the EPA may withdraw approval of a Title V Operating Permit Program, in whole or in part, if the EPA finds that a State or local agency has not taken "significant action to assure adequate administration and enforcement of the program" within 90 days after the issuance of a notice of deficiency (NOD). The EPA is authorized to, among other things, withdraw approval of the program and promulgate a Federal Title V Operating Permit Program in this Commonwealth that would be administered and enforced by the EPA. In this instance, all Title V emission fees would be paid to the EPA instead of the Department. Additionally, mandatory sanctions would be imposed under section 179 of the CAA

(42 U.S.C.A. § 7509) if the program deficiency is not corrected within 18 months after the EPA issues the deficiency notice. These mandatory sanctions include 2-to-1 emission offsets for the construction of major sources and loss of Federal highway funds (\$1.73 billion in 2018) if not obligated for projects approved by the Federal Highway Administration. The EPA may also impose discretionary sanctions which would adversely impact Federal grants awarded under sections 103 and 105 of the CAA (42 U.S.C.A. §§ 7403 and 7405). Implementation of the increased fees and new fees in Subchapter I would avoid the issuance of a Federal Title V Operating Permit Program NOD and Federal oversight and mandatory CAA sanctions.

Section 9.2(a) of the APCA (35 P.S. § 4009.2(a)) provides for the establishment of the Clean Air Fund and separate accounts, if necessary, to comply with the requirements of the CAA. The CAA and its implementing regulations specifically provide that any fees collected under the Title V Operating Permit Program have to be used solely for the costs of that program. See 42 U.S.C.A. § 7661a(b)(3)(C)(iii) and 40 CFR 70.9(a) (relating to fee determination and certification). As a result, in this Commonwealth, the Clean Air Fund consists of two "special fund" appropriations: the Title V Account and the Non-Title V Account. The Title V Account collects the revenue received from the Title V air quality permitting and emission fees. The Non-Title V Account collects the revenue received from the Non-Title V air quality permitting fees and the fines and penalties from both Title V and Non-Title V facilities.

#### *Projected revenue and expenditures*

In the early years of the Title V operating permitting program when there were more facilities and emissions of regulated pollutants were significantly greater than today, the Clean Air Fund balance was large. After many years of drawing down this accumulated balance to cover Air Quality Program costs and expenditures that exceeded annual revenue, the Clean Air Fund balance is now approaching zero. The fee amendments in this final-form rulemaking halt this decline in the Clean Air Fund balance and bring annual program revenue in line with annual program expenditures.

To maintain solvency in the Clean Air Fund and match revenue to expenditures, the Department needs to generate additional revenue of approximately \$5.0 million for the Title V Account and \$7.7 million for the Non-Title V Account beginning by fiscal year (FY) 2020-2021 to balance the projected expenditures of \$19.2 million for the Title V Account and \$9.4 million for the Non-Title V Account (a combined total expenditure of approximately \$28.6 million).

The Title V Account expenditures exceeded revenue in FY 2018-2019 and are projected to exceed revenues by \$4 million and rising to over \$5.0 million in each fiscal year going forward. The Title V Account is currently projected to have a decreasing ending balance, from \$20.744 million in FY 2018-2019 to negative \$9.977 million in FY 2024-2025, or a decrease of over \$30 million, as shown in Table 1.

**Table 1**  
**Title V Account without Fee Amendments**  
(in thousands of dollars)

	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
	ACTUAL	BUDGET	PLAN YR 1	PLAN YR 2	PLAN YR 3	PLAN YR 4	PLAN YR 5
<b>Beginning Balance</b>	\$ 22,684	\$ 20,744	\$ 15,117	\$ 11,322	\$ 6,435	\$ 1,113	\$ (4,355)
<b>Total Revenue</b>	\$ 15,938	\$ 12,912	\$ 14,930	\$ 14,213	\$ 14,160	\$ 14,404	\$ 14,647
<b>Total Expenditures</b>	\$ 17,878	\$ 18,539	\$ 18,725	\$ 19,100	\$ 19,482	\$ 19,872	\$ 20,269
<b>Ending Balance</b>	\$ 20,744	\$ 15,117	\$ 11,322	\$ 6,435	\$ 1,113	\$ (4,355)	\$ (9,977)

The Non-Title V Account expenditures exceeded revenue in FY 2018-2019 and are projected to exceed revenue by approximately \$6 million and rising to over \$6.5 million in each fiscal year going forward. The Non-Title V Account balance is projected to reach zero in FY 2020-2021 and to have a deficit of around \$28 million by FY 2024-2025, as expenditures outpace revenue, as shown in Table 2.

**Table 2**  
**Non-Title V Account without Fee Amendments**  
(in thousands of dollars)

	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
	ACTUAL	BUDGET	PLAN YR 1	PLAN YR 2	PLAN YR 3	PLAN YR 4	PLAN YR 5
<b>Beginning Balance</b>	\$ 10,940	\$ 8,746	\$ 2,855	\$ (2,817)	\$ (8,842)	\$ (15,057)	\$ (21,468)
<b>Total Revenue</b>	\$ 7,175	\$ 3,644	\$ 3,740	\$ 3,575	\$ 3,577	\$ 3,577	\$ 3,577
<b>Total Expenditures</b>	\$ 9,369	\$ 9,535	\$ 9,412	\$ 9,600	\$ 9,792	\$ 9,988	\$ 10,188
<b>Ending Balance</b>	\$ 8,746	\$ 2,855	\$ (2,817)	\$ (8,842)	\$ (15,057)	\$ (21,468)	\$ (28,079)

*Clean Air Fund ending balances*

Table 3 shows the Title V and Non-Title V Accounts combined projected negative balance in the Clean Air Fund during FY 2022-2023 and later based on the existing fee schedules.

**Table 3**  
**Clean Air Fund Ending Balances without Fee Amendments**  
(in thousands of dollars)

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
	ACTUAL	BUDGET	PLAN YR 1	PLAN YR 2	PLAN YR 3	PLAN YR 4	PLAN YR 5
<b>Title V Ending Balance</b>	\$ 20,744	\$ 15,117	\$ 11,322	\$ 6,435	\$ 1,113	\$ (4,355)	\$ (9,977)
<b>Non-Title V Ending Balance</b>	\$ 8,746	\$ 2,855	\$ (2,817)	\$ (8,842)	\$ (15,057)	\$ (21,468)	\$ (28,079)
<b>Clean Air Fund Ending Balance</b>	\$ 29,490	\$ 17,972	\$ 8,505	\$ (2,407)	\$ (13,944)	\$ (25,823)	\$ (38,056)

If this final-form rulemaking is promulgated in early 2021, the anticipated increased revenue is projected to keep the Clean Air Fund solvent (see Table 6). For instance, the Clean Air Fund ending balances without the fee amendments are projected to be \$8.5 million in FY 2020-2021; a deficit of \$2.4 million in FY 2021-2022; and a deficit of \$13.9 million in FY 2022-2023. Conversely, the Clean Air Fund ending balances with the fee amendments are projected to be \$18.6 million in FY 2020-2021; \$19.5 million in FY 2021-2022; and \$19.4 million in FY 2022-2023. The increased revenue will come in time for the Non-Title V Account to avoid a deficit. Tables 4 and 5 show the overall projected balances for the Title V and Non-Title V Accounts.

**Table 4**  
**Title V Account with Fee Amendments**  
**(in thousands of dollars)**

	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
	ACTUAL	BUDGET	PLAN YR 1	PLAN YR 2	PLAN YR 3	PLAN YR 4	PLAN YR 5
Beginning Balance	\$ 22,684	\$ 20,744	\$ 15,117	\$ 13,122	\$ 12,166	\$ 10,382	\$ 8,419
Total Revenue	\$ 15,938	\$ 12,912	\$ 17,229	\$ 19,149	\$ 19,102	\$ 19,340	\$ 19,583
Total Expenditures	\$ 17,878	\$ 18,539	\$ 19,224	\$ 20,105	\$ 20,886	\$ 21,303	\$ 21,729
Ending Balance	\$ 20,744	\$ 15,117	\$ 13,122	\$ 12,166	\$ 10,382	\$ 8,419	\$ 6,273

**Table 5**  
**Non-Title V Account with Fee Amendments**  
**(in thousands of dollars)**

	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
	ACTUAL	BUDGET	PLAN YR 1	PLAN YR 2	PLAN YR 3	PLAN YR 4	PLAN YR 5
Beginning Balance	\$ 10,940	\$ 8,746	\$ 6,955	\$ 5,494	\$ 7,390	\$ 9,096	\$ 10,606
Total Revenue	\$ 7,175	\$ 7,744	\$ 7,951	\$ 11,496	\$ 11,498	\$ 11,498	\$ 11,498
Total Expenditures	\$ 9,369	\$ 9,535	\$ 9,412	\$ 9,600	\$ 9,792	\$ 9,988	\$ 10,188
Ending Balance	\$ 8,746	\$ 6,955	\$ 5,494	\$ 7,390	\$ 9,096	\$ 10,606	\$ 11,916

**Table 6**  
**Clean Air Fund Ending Balances with Fee Amendments**  
**(in thousands of dollars)**

	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
	ACTUAL	BUDGET	PLAN YR 1	PLAN YR 2	PLAN YR 3	PLAN YR 4	PLAN YR 5
Title V Ending Balance	\$ 20,744	\$ 15,117	\$ 13,122	\$ 12,166	\$ 10,382	\$ 8,419	\$ 6,273
Non-Title V Ending Balance	\$ 8,746	\$ 6,955	\$ 5,494	\$ 7,390	\$ 9,096	\$ 10,606	\$ 11,916
Clean Air Fund Ending Balance	\$ 29,490	\$ 22,072	\$ 18,616	\$ 19,556	\$ 19,478	\$ 19,025	\$ 18,189

*Essential program functions and cost-saving measures*

The Department has sought to maintain parity between its revenue and expenditures over the last several years by reducing costs associated with administering the Air Quality Program. These cost reductions include streamlining the air permitting program through implementing the Permit Decision Guarantee policy, creating the online RFD form, issuing general plan approvals and general operating permits for 19 source categories and not filling open staff positions. The remaining reasonable costs that cannot be readily reduced include the cost to perform certain activities related to major facility operations, including the review and processing of plan approvals and operating permits; emissions and ambient air monitoring; compliance inspections; developing regulations and guidance; modeling, analyses and demonstrations; and preparing emission inventories and tracking emissions. Direct and indirect program costs include personnel costs; office space leases; operating expenses such as telecommunications, electricity, travel, auto supplies and fuel; and the purchase of fixed assets such as air samplers and monitoring equipment, vehicles and trailers.

The Department has taken steps to improve the quality, efficiency and responsiveness of the Air Quality Program,

including by increasing its efforts to communicate with applicants for plan approvals and operating permits. These efforts include making greater use of preapplication conferences to help applicants with questions or concerns regarding plan approval and operating permit applications; corresponding with applicants at critical points in the plan approval and operating permit review process; and creating a series of guides about plan approvals and operating permits to provide information to applicants and the public.

A key provision of Title V is the requirement to establish a financially adequate permit fee schedule. Both section 6.3 of the APCA and the EPA's 40 CFR Part 70 (relating to state operating permit programs) regulations require permitting authorities to charge Title V sources annual fees under a fee schedule that results in the collection and retention of revenues sufficient to cover the entirety of Title V operating permit program costs. See 40 CFR 70.9. Title V permit fees are used to implement and enforce the permitting program, including review of new permit applications and revisions or renewals of existing permits; monitoring facility compliance; taking enforcement actions for noncompliance; performing monitoring, modeling and analysis; tracking facility emissions; and preparing emission inventories.

*Prior fee rulemakings*

Regulations related to the fee schedules for plan approval and operating permit activities were last revised in November 1994, with staged increases occurring over the ensuing 10 years. See 24 Pa.B. 5899. The last of the staged plan approval and operating permit fee increases occurred in January 2005. As a result, these fees have not increased in 15 years, while expenses have continued to increase.

The Board revised the Title V annual emission fee under § 127.705 (relating to emission fees) in 2013. At that time, the Department projected that the increased annual emission fee would not be sufficient to maintain the Title V fund and noted that a revised annual emission fee or other revised permitting fees would be needed within 3 years. See 43 Pa.B. 7268 (December 14, 2013). This is due, in part, because emissions subject to the Title V annual emission fee have decreased by 47% since 2000 and continue to decrease as more emissions reductions are required to attain and maintain the revised applicable NAAQS established by the EPA. Installation of air pollution control technology over the past 2 decades on major stationary sources, the retirement or curtailment of operations by major sources including certain refineries and coal-fired power plants and the conversion at many major facilities from burning coal or oil to burning natural gas has resulted in the decreased emission of regulated pollutants that are subject to the Title V annual emission fee, and revenues collected have been decreasing as a consequence. This is resulting in reduced fee revenue for the Air Quality Program, even with the revised Title V annual emission fee adopted in 2013.

As revenue for the program has decreased over the past several years, one area of cost cutting has been reducing the staffing complement. Failure to adjust the Air Quality Program fee schedules to adequately cover program costs will cause additional staff reductions. Reduced staff will cause delays in processing plan approval and operating permit applications and issuing approved plan approvals and operating permits. Delays in the issuance of the plan approvals and operating permits can cause economic disruptions because the owner or operator of a regulated facility may not operate without an operating permit. The owner or operator may not install a new source or modify an existing source without a plan approval. This may result in delays for industry to implement expanded, new or improved processes, with associated loss of revenue to industry, loss of jobs for the community and loss of tax revenue for the Commonwealth. Delays in receiving plan approvals can have a major impact on an owner or operator's decision to operate or expand operations in this Commonwealth.

Further, fewer Department staff to conduct inspections, respond to complaints and pursue enforcement actions will result in less oversight of regulated industry compliance or noncompliance. This, in turn, will result in reduced protection of the environment and public health and welfare of the citizens of this Commonwealth.

Decreasing program revenues also impacts the operation and maintenance of the Commonwealth's ambient air monitoring network, which provides the data to measure the Commonwealth's progress in attaining and maintaining the NAAQS established by the EPA. Decreased program revenues could also impact the Small Business Stationary Source Technical and Environmental Compliance Assistance Program by reducing the amounts of grants and number of services available to small busi-

nesses. This could potentially lead to fewer viable small businesses and reduce the economic vitality of this Commonwealth by reducing the number of available jobs and tax revenue generated by these small businesses.

By addressing the Clean Air Fund deficits, the Department will be able to continue to serve the regulated community and protect the quality of air in this Commonwealth. Furthermore, a failure to attain and maintain the NAAQS and to satisfy the Commonwealth's obligations under the CAA could precipitate punitive actions by the EPA, including implementation of a Federal Implementation Plan (FIP) and collection of all fees and revenue by the EPA.

*Annual operating permit administration fee*

The revenue generated from the annual operating permit administration fees does not adequately cover the costs of Department services provided to facility owners and operators for this fee. In particular, the current annual operating permit administration fee of \$750 for the owners and operators of Title V facilities is limited to those that are identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 (relating to definitions), which is a total of 30 Title V facilities. The current annual operating permit administration fee for the 30 affected Title V owners and operators generates revenue of only \$22,500. To remedy this, the current annual operating permit administration fee under §§ 127.703(c) and 127.704(c) (relating to operating permit fees under Subchapter F; and Title V operating permit fees under Subchapter G) is amended with the annual operating permit maintenance fee under §§ 127.703(d) and 127.704(d). The annual operating permit maintenance fees are designed to recover costs to the Department for providing services to facility owners and operators that are otherwise absorbed in the revenue generated from the emission fees paid by the owners and operators of Title V facilities, permitting fee revenue from the owners and operators of both Title V and Non-Title V facilities, and General Fund money. These services include facility inspections and review of facility records and operating permit conditions to ensure that the facility is in compliance with its operating permit. The annual operating permit maintenance fees in this final-form rulemaking apply to the owners and operators of affected Non-Title V and Title V facilities.

*Amended, new and deleted fees*

In addition, in this final-form rulemaking, the Board is addressing the potential Clean Air Fund deficits by amending existing fees in Subchapter I related to plan approval and operating permit applications for the owners and operators of both Non-Title V and Title V facilities. The Board is also establishing fees related to applications for PALs, modifications of existing plan approvals and analyses of ambient impacts of a source. Fees for RFDs and for submission of notifications for asbestos abatement or regulated demolition or renovation projects are also established. The fee for claims of confidential information in § 127.711 (relating to fees for claims of confidential information) is deleted in this final-form rulemaking because the Department determined that it is unneeded at this time.

In this final-form rulemaking, the Board moved the fees for risk assessment analyses from its own section under § 127.708, previously related to risk assessment in the proposed rulemaking, to the newly established subsection (k) under § 127.702 (relating to plan approval fees). The Board made this revision to clarify that the fee for a risk

assessment is part of the fees for a plan approval application, in response to comments received. A risk assessment analysis report is prepared by the Department in response to a plan approval application that identifies the presence of hazardous air pollutants, which include carcinogenic and teratogenic compounds. The Department conducts a risk assessment analysis to assess the potential adverse public health and welfare effects under both current and planned future conditions caused by the presence of hazardous air pollutants after the source is controlled. Implementation of plan approval application fees for risk assessment analyses will support program resources to address this important area of public health and social well-being. The cost of this analysis is currently borne by the owners and operators of all permitted facilities through the plan approval application and permitting fees that they pay. Since risk assessment analyses are not required for all plan approval applications, the Board established the plan approval application fee for a risk assessment to allocate these costs to owners and operators that are required to have the analysis rather than burdening all owners and operators of permitted sources with costs for services that they do not use or need.

#### *Asbestos abatement fee*

The Board renumbered proposed § 127.709 to § 127.708 (relating to asbestos abatement or regulated demolition or renovation project notification) in this final-form rulemaking. The Board also revised this section to clarify that this final-form rulemaking fee applies only to the initial notification by an owner or operator of an asbestos abatement or regulated demolition or renovation project that is subject to 40 CFR Part 61, Subpart M (relating to National emission standard for asbestos) or the Asbestos Occupations Accreditation and Certification Act (Act 1990-194) (63 P.S. §§ 2101—2112) and which is not located in Philadelphia County or Allegheny County. Section 127.708(b) in this final-form rulemaking specifies that the Department will waive the fee for a subsequent notification form submitted for the asbestos abatement or regulated demolition or renovation project. The Department receives upwards of 5,000 initial asbestos abatement notifications and a total of about 7,000 asbestos abatement notifications each year, which require staff review and site inspections.

The Department's costs for performing these asbestos abatement notification-related services are currently absorbed by the owners and operators of all permitted facilities through the plan approval application and permitting fees that they pay. The Department currently inspects around 200 asbestos abatement projects per year due to staffing constraints. The fee for asbestos abatement notifications is designed to recover the Department's costs for these services and will provide the support to maintain and increase the number of staff assigned to inspect asbestos abatement projects and the number of asbestos abatement project inspections performed. The Philadelphia Department of Health, Air Management Services (AMS) and the Allegheny County Health Department (ACHD) have established fee schedules for notifications of asbestos abatement projects. For comparison, Philadelphia AMS receives about 1,800 asbestos abatement notifications per year and revenue of approximately \$300,000 annually from asbestos abatement notification fees. The ACHD receives about 1,200 notifications per year and received revenue of approximately \$520,000 in calendar year 2019 from asbestos abatement notification fees.

#### *Requests for determination*

The Board renumbered proposed § 127.710 to § 127.709 (relating to fees for requests for determination) in this final-form rulemaking. Section 127.709 establishes fees for the owner or operator of a source that submits an RFD under § 127.14 (relating to exemptions) for a plan approval, an operating permit or for both a plan approval and an operating permit. The RFD process allows an owner or operator to obtain a written case-by-case exemption from the requirement to apply for a plan approval or operating permit, if the Department determines the requestor meets the exemption criteria. The RFDs are reviewed by Department staff in much the same way as other applications and this final-form rulemaking establishes a fee to recover the costs to the Department.

#### *General plan approval and general operating permit fees*

The Board also renumbered proposed § 127.712 to § 127.710 (relating to fees for the use of general plan approvals and general operating permits under Subchapter H) in this final-form rulemaking. Section 127.710 is established to address fees for the use of general plan approvals or general operating permits issued by the Department for stationary or portable sources. The Department develops a proposed general plan approval or general operating permit along with the proposed application fees and provides notice in the *Pennsylvania Bulletin* and the opportunity to comment as provided in §§ 127.612 and 127.632 (relating to public notice and review period). The Department may also revise the application fee for an existing general plan approval or general operating permit and provide notice in the *Pennsylvania Bulletin* and an opportunity to comment on the revised application fee as provided in §§ 127.612 and 127.632. The Department has developed and issued general plan approvals and general operating permits for 19 source categories since 1996.

#### *Annual operating permit maintenance fee*

The Board is changing the name of the annual operating permit administration fee under § 127.703(c) to the annual operating permit maintenance fee under § 127.703(d) for the owners or operators of affected Non-Title V facilities. The annual operating permit maintenance fee for the owners or operators of all affected synthetic minor facilities for calendar years 2021—2025 is \$4,000. This is increased from the proposed amount of \$2,500 in response to comments from members of the Air Quality Technical Advisory Committee (AQTAC) that the proposed fees were too low for these facilities. The annual operating permit maintenance fee for the owners or operators of all affected facilities that are not synthetic minors for calendar years 2021—2025 is \$2,000. The annual operating permit maintenance fees collected under § 127.703(d) are projected to generate revenue of approximately \$5.5 million for the Non-Title V Account.

The Board is also changing the name of the annual operating permit administration fee under § 127.704(c) to the annual operating permit maintenance fee under § 127.704(d) for the owners or operators of affected Title V facilities. The annual operating permit maintenance fee for the owners or operators of all affected Title V facilities for calendar years 2021—2025 is \$8,000. This is decreased from the proposed amount of \$10,000 in response to comments from members of AQTAC that the proposed fee was too high for these facilities relative to the proposed annual operating permit maintenance fee for synthetic minor facilities under § 127.703(d)(1). This reduction in the Title V annual operating permit maintenance

nance fee offsets the increase in the annual operating permit maintenance fee for synthetic minor facilities. These revisions result in no net change in the revenue collected by the Department in this final-form rulemaking. The annual operating permit maintenance fees collected under § 127.704(d) are projected to generate revenue of approximately \$4 million for the Title V Account.

*No increase to the Title V emission fee*

The Board considered three options for revising the Title V emission fee under § 127.705 and implementing an annual operating permit maintenance fee for the owners and operators of affected Title V facilities. The first option would not increase the current emission fee under § 127.705 and would collect an annual operating permit maintenance fee of \$8,000 from the owners or operators of affected Title V facilities. The second option would have increased the Title V emission fee to \$110 per ton up to the 4,000-ton cap per regulated air pollutant and collected an annual operating permit maintenance fee of \$5,000 from the owners or operators of all affected Title V facilities. The third option would have increased the Title V emission fee to \$118 per ton up to the 4,000-ton cap, established an emission fee floor of \$5,000 per facility and not collected an annual operating permit maintenance fee from the owners or operators of affected Title V facilities. The Department anticipated that the amount of revenue to be generated was approximately equal between the three options. Each of the options would have generated annual revenue of approximately \$19-\$20 million or an increase of approximately \$6 million over current Title V facility revenue. The three options varied in the number of owners and operators of Title V facilities that would pay 90% of the combined Title V emission fee and annual operating permit maintenance fee revenue.

This final-form rulemaking implements the first option, leaving the Title V emission fee established in § 127.705 unchanged and collecting an annual operating permit maintenance fee of \$8,000 from the owners and operators of all affected Title V facilities. The Board chose this approach based on the equities involved among the number of impacted Title V facility owners and operators. This option spreads the cost obligation for supporting the Title V Operating Permit Program across 289 Title V facility owners and operators versus 206 Title V facility owners and operators for the second option and 129 Title V facility owners and operators for the third option. For additional comparison, the current fee schedule spreads the cost obligations of supporting the Title V Operating Permit Program across 102 Title V facility owners and operators. Thus, the option in this final-form rulemaking spreads the financial burden of supporting the Title V Operating Permit Program across almost three times as many Title V facility owners and operators as the current fee schedule.

The revenue generated by these final-form fees will be used to support the Department's Air Quality Program as authorized by the APCA. The fee schedule amendments will allow the Department to maintain staffing levels in the Air Quality Program as well as cover operating expenses such as telecommunications, electricity, travel, auto supplies and fuel along with the purchase of fixed assets such as air samplers and monitoring equipment, vehicles and trailers. The Department established the final-form fees by identifying the number of staff required and the approximate time necessary to complete each review or action, including the amount of salaries and

benefits. The Department also compared the final-form fees to those of this Commonwealth's approved local air pollution control agencies (Philadelphia County and Allegheny County) and to those of surrounding states.

The Board notes that this final-form rulemaking will be published in January 2021, after the calendar year 2021 has begun. Application fee provisions in Annex A that apply to applications filed in the calendar year 2021 will take effect upon publication of this this final-form rulemaking in the *Pennsylvania Bulletin* on January 16, 2021.

*Public outreach*

The Department consulted with AQTAC and the Small Business Compliance Advisory Committee (SBCAC) in the development of this final-form rulemaking. On December 12, 2019, AQTAC concurred with the Department's recommendation to move this final-form rulemaking forward to the Board for consideration. On January 22, 2020, SBCAC concurred with the Department's recommendation to move this final-form rulemaking forward to the Board for consideration.

The Department also conferred with the Citizens Advisory Council's (CAC) Policy and Regulatory Oversight Committee concerning this final-form rulemaking on January 6, 2020. On January 21, 2020, the CAC concurred with the Department's recommendation to advance this final-form rulemaking to the Board for consideration.

*E. Summary of Final-Form Rulemaking and Changes from the Proposed to this Final-Form Rulemaking*

*§ 121.1. Definitions*

This section contains definitions relating to the air quality regulations. This final-form rulemaking adds the definition of "synthetic minor facility" to clarify that it is an air contamination source subject to Federally enforceable conditions that limit the facility's potential to emit to less than the major facility thresholds specified in the definition of "Title V facility."

No change is made to this definition from the proposed to this final-form rulemaking.

*§ 127.424. Public notice*

This section contains procedures the Department follows to prepare a notice of action to be taken on an application for an operating permit. An incorrect cross reference is amended in subsections (b) and (e)(3). The current cross references are to § 127.44(a)(1)—(4) (relating to public notice) and to § 127.44(a). The final-form cross references are to § 127.44(b)(1)—(5) and to § 127.44(b).

No change is made to this section from the proposed to this final-form rulemaking.

*§ 127.465. Significant operating permit modification procedures*

This section establishes the procedures the owner or operator of a stationary air contamination source or facility shall follow to make a significant modification to an applicable operating permit.

Subsection (a) establishes that the owner or operator of a stationary air contamination source or facility may make a significant modification to an applicable operating permit under this section.

Subsection (b) establishes that the significant operating permit modifications must meet the requirements of Chapter 127, including §§ 127.424 and 127.425 (relating to public notice; and contents of notice).

Subsection (c) establishes that the owner or operator of the facility shall submit to the Department, on a form provided by or approved by the Department, a brief description of the change, the date on which the change is to occur and the proposed language for revising the operating permit conditions proposed to be changed.

Subsection (d) establishes that unless precluded by the CAA or regulations thereunder, the permit shield described in § 127.516 (relating to permit shield) shall extend to an operational flexibility change authorized by this section.

No changes are made to subsections (a)—(d) from the proposed to this final-form rulemaking.

Subsection (e) establishes that the Department will take final action on the proposed change for the significant modification of the applicable operating permit and, after taking final action, will publish notice of the action in the *Pennsylvania Bulletin*. Subsection (e) is amended in this final-form rulemaking in response to comments received to specify that the Department will take final action on the proposed change within 180 days of receipt of the complete application for the significant operating permit modification of the applicable operating permit.

#### § 127.702. Plan approval fees

Section 127.702 establishes, among other things, the following fee provisions:

Subsection (a) establishes that the applicable fees required under subsections (b)—(h) are cumulative.

Under subsection (b), the owner or operator of a source requiring approval under Chapter 127, Subchapter B (relating to plan approval requirements) shall pay a fee equal to \$1,000 for applications filed during calendar years 2005—2020; \$2,500 for applications filed during calendar years 2021—2025; \$3,100 for applications filed during calendar years 2026—2030; and \$3,900 for applications filed for the calendar years beginning with 2031.

Under subsection (c), the owner or operator of a source requiring approval under Chapter 127, Subchapter E (relating to new source review) shall pay a fee equal to \$5,300 for applications filed during calendar years 2005—2020; \$7,500 for applications filed during calendar years 2021—2025; \$9,400 for applications filed during calendar years 2026—2030; and \$11,800 for applications filed for the calendar years beginning with 2031.

Under subsection (d), the owner or operator of a source subject to and requiring approval under Chapter 122, Chapter 124 or § 127.35(b) (relating to National standards of performance for new stationary sources; national emission standards for hazardous air pollutants; and maximum achievable control technology standards for hazardous air pollutants) shall pay the specified fee for each applicable standard up to and including three applicable standards, which is equal to \$1,700 for applications filed through calendar year 2020; \$2,500 for applications filed during calendar years 2021—2025; \$3,100 for applications filed during calendar years 2026—2030; and \$3,900 for applications filed for the calendar years beginning with 2031. An owner or operator that has more than three applicable standards will pay the fee for a maximum of three standards, but the Department's permitting review will include all applicable standards.

Under subsection (e), the owner or operator of a source subject to and requiring approval under § 127.35(c), (d) or (h) shall pay a fee equal to \$8,000 for applications filed

during calendar years 2005—2020; \$9,500 for applications filed during calendar years 2021—2025; \$11,900 for applications filed during calendar years 2026—2030; and \$14,900 for applications filed for the calendar years beginning with 2031.

Under subsection (f), the owner or operator of a source requiring approval under Chapter 127, Subchapter D (relating to prevention of significant deterioration of air quality) shall pay a fee equal to \$22,700 for applications filed during calendar years 2005—2020; \$32,500 for applications filed during calendar years 2021—2025; \$40,600 for applications filed during calendar years 2026—2030; and \$50,800 for applications filed for the calendar years beginning with 2031.

No changes are made to subsections (a)—(f) from the proposed to this final-form rulemaking.

Subsection (g) addresses the fees payable by the owner or operator of a source that is proposing a minor modification of a plan approval, an extension of a plan approval or a transfer of a plan approval due to a change of ownership. Subsection (g) was proposed to be amended to delete the requirements for the minor modifications and add requirements to establish that the owner or operator of a source that submits a plan approval application for a PAL permit under § 127.218(b) (relating to PALs), to cease a PAL permit under § 127.218(j) or to increase a PAL under § 127.218(l) shall pay a fee equal to \$7,500 for applications filed during calendar years 2020—2025; \$9,400 for applications filed during calendar years 2026—2030; and \$11,800 for applications filed for the calendar years beginning with 2031. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking.

Subsection (h) specifies that the modification of a plan approval that includes the reassessment of a control technology determination or of the ambient impacts of the source will not be considered a minor modification of the plan approval. Subsection (h) was proposed to be amended to delete the requirement that the modification of the plan approval is not a minor modification and add requirements to establish that the owner or operator of a source proposing a PAL under Subchapter D that is not included in an application submitted under subsections (f) or (g) shall pay a fee equal to \$7,500 for applications filed during calendar years 2020—2025; \$9,400 for applications filed during calendar years 2026—2030; and \$11,800 for applications filed for the calendar years beginning with 2031. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking.

Subsection (i) was deleted in the proposed rulemaking where it specifies that the Department may establish application fees for general plan approvals and plan approvals for sources operating at multiple temporary locations which will not be greater than the fees established by subsection (b). These fees shall be established at the time the plan approval is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632. Subsection (i) was proposed to be amended to add requirements to establish that the owner or operator of a source proposing a minor modification of a plan approval, an extension of a plan approval or a transfer of a plan approval due to a change of ownership shall pay the fee in paragraph (1) or paragraph (2) as applicable. In this final-form rulemak-



ing, subsection (i) deletes the words “due to a change of ownership” to not limit the transfer of the plan approval to a change of ownership.

Subsection (i)(1) was proposed to be added to establish that an applicant for a minor modification of a plan approval may not include an increase in emissions, an analysis of the ambient impacts of the source or a reassessment of a control technology determination. The applicant shall meet the applicable requirements of § 127.44 and pay a fee equal to \$300 for applications filed during calendar years 2005—2020; \$1,500 for applications filed during calendar years 2021—2025; \$1,900 for applications filed during calendar years 2026—2030; and \$2,400 for applications filed for the calendar years beginning with 2031. Subsection (i)(1) was not revised from the proposed to this final-form rulemaking.

Subsection (i)(2) was proposed to be added to establish that an applicant for an extension of a plan approval or a transfer of a plan approval due to a change of ownership shall pay a fee equal to \$300 for applications filed during calendar years 2005—2020; \$750 for applications filed during calendar years 2021—2025; \$900 for applications filed during calendar years 2026—2030; and \$1,100 for applications filed for the calendar years beginning with 2031. In this final-form rulemaking, subsection (i)(2) deletes the words “due to a change of ownership” to not limit the transfer of the plan approval to a change of ownership.

Subsection (i) adds paragraph (3) to specify that the fee for an extension of a plan approval will not apply if, through no fault of the applicant, an extension is required.

Under subsection (j), the owner or operator of a source proposing a revision to a plan approval application submitted by the applicant that includes one or more of the changes identified in paragraph (1) or paragraph (2) after the Department has completed its technical review shall pay the fee in paragraph (1) or paragraph (2) as applicable.

Subsection (j)(1) establishes that for an analysis of the ambient impacts of the source, the owner or operator shall pay a fee equal to \$9,000 for applications filed during calendar years 2020—2025; \$11,300 for applications filed during calendar years 2026—2030; and \$14,100 for applications filed for the calendar years beginning with 2031. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking.

Subsection (j)(2) establishes that for a reassessment of a control technology determination, the owner or operator shall pay the applicable fee under subsection (b).

Subsection (k) is added in this final-form rulemaking to specify that the owner or operator of a source applying for a risk assessment shall, as part of the plan approval application, pay the fee in paragraph (1) or paragraph (2), as applicable.

Subsection (k)(1) establishes that the owner or operator of a source applying for a risk assessment that is inhalation only for all modeling shall pay a fee equal to \$10,000 for applications filed during calendar years 2020—2025; \$12,500 for applications filed during calendar years 2026—2030; and \$15,600 for applications filed for the calendar years beginning with 2031. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking.

Subsection (k)(2) establishes that the owner or operator of a source applying for a multi-pathway risk assessment shall pay a fee equal to \$25,000 for applications filed during calendar years 2020—2025; \$31,300 for applications filed during calendar years 2026—2030; and \$39,100 for applications filed for the calendar years beginning with 2031. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking.

Subsection (k) was proposed as § 127.708. The reason for this change in this final-form rulemaking is discussed in Section D, Background and Purpose, under the subheading Amended, new and deleted fees.

#### § 127.703. Operating permit fees under Subchapter F

Section 127.703 establishes, among other things, the following fee provisions:

Subsection (a) specifies that each applicant for an operating permit, which is not for a Title V facility, shall, as part of the operating permit application and as required on an annual basis, submit the fees required by this section to the Department. These fees apply to the extension, modification, revision, renewal and reissuance of each operating permit or part thereof. Subsection (a) was proposed to be amended to delete the statement that these fees apply to the extension, modification, revision, renewal and reissuance of each operating permit or part thereof. The discussion in Section E of the preamble to the proposed rulemaking incorrectly included the words “or to a transfer of an operating permit due to a change of ownership” as part of the proposed deletion.

Subsection (b) specifies the fees for processing an application for an operating permit. Subsection (b) was proposed to be amended to delete the statement regarding the fee for processing an application for an operating permit and add the requirement that each applicant subject to subsection (a) shall pay a fee equal to the fee specified in paragraphs (1)—(5), as applicable. These fees apply to the application for a new operating permit and for the renewal and reissuance, modification or administrative amendment of an operating permit or part thereof or to a transfer of an operating permit due to a change of ownership. In this final-form rulemaking, subsection (b) deletes the words “due to a change of ownership” to not limit the transfer of the plan approval to a change of ownership.

Under subsection (b)(1), the fee for a new operating permit is \$375 for applications filed during calendar years 2005—2020; \$2,500 for applications filed during calendar years 2021—2025; \$3,100 for applications filed during calendar years 2026—2030; and \$3,900 for applications filed for the calendar years beginning with 2031.

Under subsection (b)(2), the fee for a renewal and reissuance of an operating permit or part thereof is \$375 for applications filed during calendar years 2005—2020; \$2,100 for applications filed during calendar years 2021—2025; \$2,600 for applications filed during calendar years 2026—2030; and \$3,300 for applications filed for the calendar years beginning with 2031.

Under subsection (b)(3), the fee for a minor modification of an operating permit or part thereof is \$375 for applications filed during calendar years 2005—2020; \$1,500 for applications filed during calendar years 2021—2025; \$1,900 for applications filed during calendar years 2026—2030; and \$2,400 for applications filed for the calendar years beginning with 2031.

Under subsection (b)(4), the fee for a significant modification of an operating permit or part thereof is \$375 for applications filed during calendar years 2005—2020; \$2,000 for applications filed during calendar years 2021—2025; \$2,500 for applications filed during calendar years 2026—2030; and \$3,100 for applications filed for the calendar years beginning with 2031.

No changes were made to subsection (b)(1)—(4) from the proposed to this final-form rulemaking.

Under subsection (b)(5), the fee for an administrative amendment of an operating permit or part thereof or a transfer of an operating permit is \$375 for applications filed during calendar years 2005—2020; \$1,500 for applications filed during calendar years 2021—2025; \$1,900 for applications filed during calendar years 2026—2030; and \$2,400 for applications filed for the calendar years beginning with 2031. In this final-form rulemaking, subsection (b)(5) deletes the words “due to a change of ownership” to not limit the transfer of the plan approval to a change of ownership.

Subsection (c) specifies the annual operating permit administration fee is \$375 for applications filed during the years beginning in 2005. Subsection (c) was proposed to be amended to specify that for applications filed through the effective date of this final-form rulemaking, each applicant subject to subsection (a) shall pay the annual operating permit administration fee of \$375. Subsection (c) specifies that each applicant subject to subsection (a) shall pay the annual operating permit administration fee of \$375 through December 31, 2020, instead of the effective date of this final-form rulemaking. The Board originally anticipated that the proposed rulemaking would be promulgated as a final-form regulation prior to calendar year 2020. The Board now anticipates that this final-form rulemaking will be promulgated prior to the end of calendar year 2020; hence the revision to the date certain of December 31, 2020.

Subsection (d) was proposed to be amended to delete the language that the Department may establish application fees for general operating permits and operating permits for sources operating at multiple temporary locations which will not be greater than the fees established by this section, and that these fees shall be established at the time the operating permit is issued and published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632. Subsection (d) was proposed to be amended with an Editor’s Note to specify that beginning on the effective date of the final-form rulemaking, each applicant subject to subsection (a) shall pay the annual operating permit maintenance fee in paragraph (1) or paragraph (2) on or before December 31 of each year for the next calendar year. The Editor’s Note in subsection (d) reflects that the publication date of this final-form rulemaking is the effective date. Subsection (d) notes that an exception was added in the newly revised subsection (d)(1).

Subsection (d)(1) provides that the annual operating permit maintenance fee for calendar year 2021 is due on or before 60 days after the effective date of this final-form rulemaking. The Board made this revision from the proposed rulemaking to this final-form rulemaking because the Board now anticipates this final-form rulemaking to be promulgated relatively close to the original payment due date of December 31, 2020. This revision will alleviate the concern that applicants will not have sufficient notice to submit the annual operating permit maintenance fee by December 31, 2020. Under this final-form rulemaking, applicants will have 60 days’

notice to submit the annual operating permit maintenance fee for calendar year 2021.

Proposed subsection (d)(1) was moved to subsection (d)(2) in this final-form rulemaking. Subsection (d)(2) establishes that for a synthetic minor facility, the applicant shall pay a fee equal to \$4,000 for calendar years 2021—2025; \$5,000 for calendar years 2026—2030; and \$6,300 for the calendar years beginning with 2031. The final-form fees of \$4,000, \$5,000 and \$6,300 are revised upward from the proposed fees of \$2,500, \$3,100 and \$3,900 in response to comments from members of AQTAC that the proposed fees were too low for these sources. Synthetic minor facilities are facilities which would otherwise be Title V facilities, if not for the owners and operators accepting Federally enforceable permit conditions to limit the potential emissions below major facility thresholds. These facilities require significant and time-consuming Departmental permitting review and inspection activities to monitor compliance with the permit limits.

Proposed subsection (d)(2) was moved to subsection (d)(3) in this final-form rulemaking. Subsection (d)(3) establishes that for a facility that is not a synthetic minor, the applicant shall pay a fee equal to \$2,000 for calendar years 2021—2025; \$2,500 for calendar years 2026—2030; and \$3,100 for the calendar years beginning with 2031. A facility that is neither a major source nor a synthetic minor is a natural minor.

No changes were made to this subsection from the proposed to this final-form rulemaking.

§ 127.704. *Title V operating permit fees under Subchapter G*

Section 127.704 establishes, among other things, the following fee provisions:

Subsection (a) specifies that each applicant for an operating permit, which is for a Title V facility, shall, as part of the operating permit application and as required on an annual basis, submit the fees required by this section to the Department. Subsection (a) was proposed to be amended to delete the statement that these fees apply to the extension, modification, revision, renewal and reissuance of each operating permit or part thereof. A slightly revised version of the deleted language in subsection (a) was moved to subsection (b) in the proposed rulemaking.

No changes were made to subsection (a) from the proposed to this final-form rulemaking.

Subsection (b) specifies the fee for processing an application for an operating permit. Subsection (b) was proposed to be amended to delete the statement regarding the fee for processing an application for an operating permit and add the requirement that each applicant subject to subsection (a) shall pay a fee equal to the fee specified in paragraphs (1)—(5), as applicable. The proposed amendment to subsection (b) further specified that these fees apply to the application for a new operating permit and for the renewal and reissuance, modification or administrative amendment of an operating permit or part thereof or a transfer of an operating permit due to a change of ownership. In this final-form rulemaking, subsection (b) deletes the words “due to a change of ownership” to not limit the transfer of the plan approval to a change of ownership. The discussion in Section E of the preamble to the proposed rulemaking did not include the words “or to a transfer of an operating permit due to a change of ownership” as part of the proposed amendment.

Under subsection (b)(1), the fee for a new operating permit is \$750 for applications filed during calendar years 2005—2020; \$5,000 for applications filed during calendar years 2021—2025; \$6,300 for applications filed during calendar years 2026—2030; and \$7,900 for applications filed for the calendar years beginning with 2031. The fee of \$750 for applications filed beginning with 2005 was established at 24 Pa.B. 5938 (November 26, 1994).

No change was made to this subsection from the proposed to this final-form rulemaking.

Under subsection (b)(2), the fee for a renewal and reissuance of an operating permit or part thereof is \$750 for applications filed during calendar years 2005—2020; \$4,000 for applications filed during calendar years 2021—2025; \$5,000 for applications filed during calendar years 2026—2030; and \$6,300 for applications filed for the calendar years beginning with 2031. Paragraph (2)(i) in the proposed rulemaking incorrectly specified that the fee for a renewal and reissuance of an operating permit would be \$375 due to a drafting error. Paragraph (2)(i) specifies that the fee since 2005 is \$750, as established at 24 Pa.B. 5938, and will be \$750 through the end of calendar year 2020. Prior to this final-form rulemaking, the fees specified in this section for processing an application for the extension, modification, revision, renewal and reissuance of each operating permit or part thereof were the same for all of these actions; that is, \$750 for applications filed beginning in 2005. This final-form rulemaking establishes different amounts of fees for each of these permitting actions commensurate with the Department's costs for performing the required reviews.

Under subsection (b)(3), the fee for a minor modification of an operating permit or part thereof is \$750 for applications filed during calendar years 2005—2020; \$1,500 for applications filed during calendar years 2021—2025; \$1,900 for applications filed during calendar years 2026—2030; and \$2,400 for applications filed for the calendar years beginning with 2031. Paragraph (3)(i) in the proposed rulemaking incorrectly specified that the fee for a minor modification of an operating permit or part thereof would be \$375 due to a drafting error. Paragraph (3)(i) specifies that the fee is \$750, for the reasons described in the previous paragraph regarding subsection (b)(2) in this final-form rulemaking.

Under subsection (b)(4), the fee for a significant modification of an operating permit or part thereof is \$750 for applications filed during calendar years 2005—2020; \$4,000 for applications filed during calendar years 2021—2025; \$5,000 for applications filed during calendar years 2026—2030; and \$6,300 for applications filed for the calendar years beginning with 2031. Paragraph (4)(i) in the proposed rulemaking incorrectly specified that the fee for a significant modification of an operating permit or part thereof would be \$375 due to a drafting error. Paragraph (4)(i) specifies that the fee is \$750, for the reasons described regarding subsection (b)(2) in this final-form rulemaking.

Under subsection (b)(5), the fee for an administrative amendment of an operating permit or part thereof or a transfer of an operating permit is \$750 for applications filed during calendar years 2005—2020; \$1,500 for applications filed during calendar years 2021—2025; \$1,900 for applications filed during calendar years 2026—2030; and \$2,400 for applications filed for the calendar years beginning with 2031. Paragraph (5)(i) in the proposed rulemaking incorrectly specified that the fee for an administrative amendment of an operating permit or part thereof would be \$375 due to a drafting error. Paragraph

(5)(i) specifies that the fee is \$750 for the reasons described regarding subsection (b)(2) in this final-form rulemaking. Subsection (b)(5) deletes the words “due to a change of ownership” to not limit the transfer of an operating permit to a change of ownership. The discussion in Section E of the preamble to the proposed rulemaking did not include the words “or to a transfer of an operating permit due to a change of ownership” as part of the proposed amendment.

Prior to this final-form rulemaking, subsection (c) specified that the annual operating permit administration fee that is payable each year by a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 is \$750 for applications filed during the years beginning in 2005. Subsection (c) was proposed to be amended to delete the phrase “The annual operating permit administration fee to be paid by a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 is:” and added the requirement for each applicant subject to subsection (a) that is the owner or operator of a facility identified in subparagraph (iv) of the definition of Title V facility in § 121.1 to pay the annual operating permit administration fee of \$750 through the effective date of this final-form rulemaking. The effective date of this final-form rulemaking was replaced with the date December 31, 2020.

Subsection (d) was proposed to be amended to delete the language stating that the Department may establish application fees for general operating permits and operating permits for sources operating at multiple temporary locations which will not be greater than the fees established by this section. Subsection (d) clarifies the Editor's Note. Subsection (d) was proposed to be amended to require each applicant subject to subsection (a) to pay the annual operating permit maintenance fee on or before December 31 of each year for the next calendar year. This fee is equal to \$8,000 for calendar years 2021—2025; \$10,000 for calendar years 2026—2030; and \$12,500 for the calendar years beginning with 2031. The final-form fees of \$8,000, \$10,000 and \$12,500 are revised downward from the proposed fees of \$10,000, \$12,500 and \$15,600 in response to comments from members of AQTAC that the proposed fees were too high for these facilities relative to the proposed maintenance fee for the facilities subject to § 127.703(a), that is, synthetic minor facilities. This reduction in the Title V annual operating permit maintenance fee offsets the increase in the annual operating permit maintenance fee for synthetic minor facilities. Thus, these revisions result in no net change in the revenue collected by the Department. Subsection (d) notes that an exception was added in the newly revised subsection (d)(1).

Subsection (d)(1) provides that the annual operating permit maintenance fee for calendar year 2021 is due on or before 60 days after the effective date of this final-form rulemaking. The Board made this revision from the proposed rulemaking to this final-form rulemaking because the Board now anticipates this final-form rulemaking to be promulgated relatively close to the original payment due date of December 31, 2020. This revision will alleviate the concern that applicants will not have sufficient notice to submit the annual operating permit maintenance fee by December 31, 2020. Under this final-form rulemaking, applicants will have 60 days' notice to submit the annual operating permit maintenance fee for calendar year 2021.

Subsection (e) establishes that the owner or operator of a source that submits an application for a PAL permit

under § 127.218(b), to cease a PAL permit under § 127.218(j) or to increase a PAL under § 127.218(l) shall pay a fee equal to \$10,000 for applications filed during calendar years 2020—2025; \$12,500 for applications filed during calendar years 2026—2030; and \$15,600 for applications filed for the calendar years beginning with 2031. This was a new subsection added in the proposed rulemaking. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking.

Subsection (f) establishes that the owner or operator of a source proposing a PAL under Subchapter D that is not included in an application submitted under subsection (e) shall pay a fee equal to \$10,000 for applications filed during calendar years 2020—2025; \$12,500 for applications filed during calendar years 2026—2030; and \$15,600 for applications filed for the calendar years beginning with 2031. This was a new subsection added in the proposed rulemaking. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking. In the proposed rulemaking Annex A incorrectly referenced subsection (d), as did the discussion in Section E of the preamble to the proposed rulemaking. Annex A in this final-form rulemaking corrects the reference from subsection (d) to subsection (e).

§ 127.705. *Emission fees*

This section is existing regulatory language that specifies the requirement for the owner or operator of a Title V facility including a Title V facility located in Philadelphia County or Allegheny County, except a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1, to pay an annual Title V emission fee.

Subsection (d) specifies that the emission fee imposed under subsection (a) shall be increased in each calendar year after December 14, 2013, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year. For purposes of this subsection, paragraph (1) specifies that the Consumer Price Index for All-Urban Consumers shall be used for the adjustment required by this subsection and paragraph (2) specifies which revision of the Consumer Price Index for All-Urban Consumers shall be used. For clarity, subsection (d) was proposed to be amended to move the requirements of paragraphs (1) and (2) for the Consumer Price Index for All-Urban Consumers to new subsection (e).

No changes to this provision were made from the proposed to this final-form rulemaking.

§ 127.708. *Asbestos abatement or regulated demolition or renovation project notification*

The proposed language in § 127.708 has been moved in this final-form rulemaking to new subsection (k) under § 127.702. The Board makes this revision to clarify that the fee for a risk assessment is part of the fees for a plan approval application, in response to comments received. Proposed § 127.709 regarding the requirements for the owner or operator of an asbestos abatement or regulated demolition or renovation project has been renumbered in this final-form rulemaking as § 127.708.

Section 127.708(a) establishes that an owner or operator of an asbestos abatement or regulated demolition or renovation project that is subject to 40 CFR Part 61, Subpart M or Act 1990-194 and which is not located in Philadelphia County or Allegheny County shall submit to the Department with the required notification form a fee

equal to \$300 for forms filed during calendar years 2020—2025; \$400 for forms filed during calendar years 2026—2030; and \$500 for forms filed for the calendar years beginning with 2031. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking. This provision was labeled subsection (a) to accommodate a new subsection (b) that is added in this final-form rulemaking. In this final-form rulemaking, subsection (b) is added to establish that the Department will waive the fee for a subsequent notification form submitted for the same asbestos abatement or regulated demolition or renovation project. This final-form amendment is made in response to comments received on the proposed rulemaking requesting that this fee apply only to the initial notification for the project.

§ 127.709. *Fees for requests for determination*

Section 127.710 is renumbered from the proposed rulemaking to § 127.709 in this final-form rulemaking. Section 127.709 establishes fees for RFDs for whether a plan approval, an operating permit, or both, are needed for the change to the facility. The RFD process allows an owner or operator to avoid the full cost associated with submitting a comprehensive plan approval application by receiving a written determination from the Department. Under this section, the owner or operator of a source subject to Chapter 127 (relating to construction, modification, reactivation and operation of sources) that submits an RFD under § 127.14 for a plan approval, an operating permit, or for both a plan approval and an operating permit shall pay the applicable fee specified in paragraphs (1) or (2). Paragraph (1) establishes that the owner or operator of a source that meets the definition of small business stationary source set forth in section 3 of the APCA (35 P.S. § 4003) shall pay a fee equal to \$400 for RFDs filed during calendar years 2020—2025; \$500 for RFDs filed during calendar years 2026—2030; and \$600 for RFDs filed for the calendar years beginning with 2031. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking.

Paragraph (2) establishes that the owner or operator of a source that does not meet the criterion in paragraph (1) shall pay a fee equal to \$600 for RFDs filed during calendar years 2020—2025; \$800 for RFDs filed during calendar years 2026—2030; and \$1,000 for RFDs filed for the calendar years beginning with 2031. In this final-form rulemaking, calendar years 2020—2025 are updated to calendar years 2021—2025, due to the change in the effective date for this final-form rulemaking.

§ 127.710. *Fees for the use of general plan approvals and general operating permits under Subchapter H*

Section 127.712 (relating to fees for the use of general plan approvals and general operating permits under Subchapter H) in the proposed rulemaking is renumbered to § 127.710 (relating to fees for the use of general plan approvals and general operating permits under Subchapter H) in this final-form rulemaking. Under § 127.710, the Department may establish application fees for the use of general plan approvals and general operating permits under Subchapter H (relating to general plan approvals and operating permits) for stationary or portable sources. These application fees will be established when the general plan approval or general operating permit is issued or modified by the Department. These application fees will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and

127.632. Apart from renumbering the section number, no changes are made to this section from the proposed rulemaking to this final-form rulemaking.

§ 127.711. *Fees for claims of confidential information*

The Department determined that the fee for claims of confidentiality in proposed § 127.711 is unneeded at this time and deleted it from this final-form rulemaking.

F. *Summary of Comments and Responses on the Proposed Rulemaking*

The Board adopted the proposed rulemaking at its meeting on December 18, 2018. On April 13, 2019, the proposed rulemaking was published for a 66-day comment period at 49 Pa.B. 1777 (April 13, 2019). Three public hearings were held on May 13, 15 and 16, 2019, in Pittsburgh, Norristown and Harrisburg, respectively. The comment period closed on June 17, 2019. The Board received comments from 1,427 commenters including the House of Representatives Environmental Resources and Energy Committee (Committee), the House of Representatives, and the Independent Regulatory Review Commission (IRRC). The majority of the commenters expressed their support of the amended and new fee schedules and stated the necessity for the Air Quality Program to have a sustainable source of funding. The comments received on the proposed rulemaking are summarized in this section and are addressed in a comment and response document which is available on the Department's web site.

IRRC commented to ask the Board to work with all interested parties, particularly the Committee and members of the Legislature to address the issues raised in their comment letters with the goal of devising a funding structure that is authorized by statute, meets the intent of the General Assembly and ensures adequate revenue to fund the Air Quality Program. As discussed as follows, in response to other comments, this final-form rulemaking is authorized by the Board's statutory authority provided by the General Assembly, the APCA and ensures adequate funding of the Air Quality Program. In particular, the Committee approved the current fee structure in 1994. Additionally, the Committee and members of the Legislature have extensive involvement in the development of the Department's rulemakings, including appointed members on the Department's advisory committees and four seats on this Board, in addition to the review outlined under the Regulatory Review Act (RRA). Lastly, the Board and the Department consistently seek opportunities to engage productively with interested parties, including the Legislature. The Department's Legislative Office works to address issues and ensure that the Legislature is informed of actions by the Department and the Board.

IRRC also mentioned that the criteria in the RRA requires consideration of the economic impact of the regulation and protection of the public health, safety and welfare and that public comments raise valid concerns related to both criteria. In response, the revenue that will be generated by the fees in this final-form rulemaking would provide essential funding for the Air Quality Program to continue fulfilling its statutory obligation of protecting the public health and welfare from harmful air pollution. The Department's Fee Report and the Regulatory Analysis Form for this final-form rulemaking, both available on the Department's web site, as well as the responses as follow provide additional information to address the concerns raised in the comments.

Additionally, IRRC commented that the Department identifies section 6.3(a) of the APCA as the statutory

authority to amend the air quality fee schedule. The legislators commented that the Department does not have the statutory authority to propose the expansive fee increases and that there are two other subsections in section 6.3 of the APCA that must be considered in the construct of any fee schedule revisions: subsection (c), which establishes the emission fee for Title V sources, and subsection (j), which authorizes certain categories of fees not related to Title V of the CAA. The legislators claim that, based upon their review of these subsections, the General Assembly clearly intended to prescribe specific and limited categories of fees for Title V and Non-Title V sources and that any other fees that go beyond the explicit authorization in these subsections goes beyond statutory authority.

In response, the Board explains that section 6.3(a) of the APCA provides the Board with broad authority to establish fees sufficient to cover the indirect and direct costs of administering the Air Quality Program, including the air pollution control plan approval process, operating permit program required by Title V of the CAA and other requirements of the CAA. The succeeding subsections, including subsections (c) and (j), authorize certain types of fees but do not limit the Board's authority under section 6.3(a) to establish other fees. Section 6.3(a) is clear and unambiguous in that and does not limit the Board's ability to raise fees so long they are used to support the air pollution control program authorized under the APCA. These fees are used to support a wide range of air pollution control activities like asbestos abatement activities, risk assessments and Requests for Determinations, to name a few. Similarly, the broad language of this section shows an over-all legislative policy to give the Board and the Department the regulatory flexibility to promulgate the necessary fee schedules to fund air pollution control activities. Finally, a narrow reading of this section would render it ineffective.

The current regulations which were last revised in 1994 with staged plan approval and operating permit application increases over an ensuing 10 years have a similar fee structure to the final-form regulations. See 24 Pa.B. 5899. As required under section 5(a) of the RRA (71 P.S. § 745.5(a)), the Department submitted a copy of the 1994 rulemaking to the Chairpersons of the House Conservation Committee and the Senate Environmental Resources and Energy Committee for review and comment, and those regulations were deemed approved by both Committees on October 11, 1994. See 24 Pa.B. 5910 (November 26, 1994). Consequently, it is difficult to see how this final-form rulemaking exceeds the APCA statutory authority.

Section 6.3(e) and (j) both reference interim fees. Section 6.3(e) specifies the interim fee amounts for Title V sources for processing operating permit applications and an annual operating permit administration fee. Section 6.3(j) specifies the interim fee amounts for non-Title V sources for processing plan approval applications, processing operating permit applications and an annual operating permit administration fee. Further section 6.3(j) must be read in conjunction with section 6.3(e). Section 6.3(e) does not specify the interim plan approval application fee for Title V sources. Instead, section 6.3(j) clarifies that Title V sources are only subject to the interim plan approval fees in subsection (j) because the Title V sources are already subject to the interim operating permit application and annual operating permit administration fees in section 6.3(e). It should also be noted that the interim fees in section 6.3(j) were only in place until the Board adopted regulations that established fees for non-

Title V sources and the interim fees in section 6.3(e) were no longer applicable once the Board established the alternative fees under section 6.3(c).

Additionally, under 40 CFR 70.9, the Department's Air Quality Program is required to establish fees that are sufficient to cover the permit program costs, including costs related to preparing regulations or guidance, reviewing permit applications, general administrative costs of running the program, implementing and enforcing the terms of a permit, emissions and ambient monitoring, modeling, analyses, or demonstrations, preparing inventories and tracking emissions, and providing small business assistance.

IRRC commented that the legislators object to the annual maintenance fee because it is not explicitly authorized by statute. The legislators assert that the statute only authorizes an annual operating permit "administration" fee, therefore; it cannot be replaced with an annual operating permit "maintenance" fee.

In response, section 6.3(j)(3) of the APCA provides for an annual operating permit administration fee, an undefined term in the act. It does not, however, limit the Board to using that exact name for the fee. The annual operating permit maintenance fee in this final-form rulemaking is the annual operating permit administration fee. The Board merely adjusted the name of the fee to better describe its purpose since these fees are used to cover the Department's costs for evaluating the facility to ensure that it is 'maintaining' compliance, including the costs of inspections, reviewing records and reviewing permits. This name change is also evident by the fact that the Department will stop assessing the currently titled annual operating permit administration fee after December 31, 2020.

A representative of the regulated community commented that the annual operating permit maintenance fee will spread out the cost obligations to all sources in an equitable manner.

The Board agrees. The annual operating permit maintenance fee is designed to recover costs to the Department for providing services to facility owners and operators that are otherwise absorbed in the revenue generated from emission fees paid by the owners and operators of the Title V facilities, permitting fee revenue from the owners and operators of both Title V and Non-Title V facilities, and General Fund money. This final-form rulemaking collects an annual operating permit maintenance fee of \$8,000 from the owners and operators of all affected Title V facilities. The Board chose this approach based on the equities involved among the number of impacted Title V facility owners and operators. This option spreads the cost obligation for supporting the Title V Operating Permit Program across 289 Title V facility owners and operators. For comparison, the current fee schedule spreads the cost obligations of supporting the Title V Operating Permit Program across 102 Title V facility owners and operators.

IRRC asked the Board to explain why it believes that the proposed fees for PAL, ambient air impact modeling of certain plan approval applications, risk assessments, asbestos project notifications, RFDs and for claims of confidential information are authorized by statute and consistent with the intent of the General Assembly.

The fees identified by IRRC are authorized under section 6.3(a) of the APCA. As stated previously, section 6.3(a) provides the Board with broad authority to establish sufficient fees to cover the indirect and direct

costs of administering the air pollution control plan approval process, operating permit program required by Title V of the CAA, other requirements of the CAA and the indirect and direct costs of administering the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, Compliance Advisory Committee and Office of Small Business Ombudsman. This section also authorizes the Board by regulation to establish fees to support the air pollution control program authorized by the APCA and not covered by fees required by section 502(b) of the CAA. The complexity of the Department's air quality permitting program has increased since its implementation in 1994 as new and more stringent requirements have been promulgated by the EPA. These revised fees are designed to recover the Department's costs for certain activities related to processing of applications for plan approvals and operating permits, including risk assessments and ambient air impact modeling of certain plan approval applications, without burdening all owners and operators of permitted sources with costs for services that they do not use or need. Without these separate fees, plan approval application fees applicable to all owners and operators of permitted sources would have to be adjusted higher. Establishing this fee structure will provide support for the continuation of the Department's Air Quality Program and ensure continued protection of the environment and the public health and welfare of the citizens of this Commonwealth as required by the APCA and the CAA.

IRRC asked the Board to explain why it believes it has the statutory authority to require these new fees to be assessed cumulatively. The legislators commented that the APCA does not authorize the Department to split apart the plan approval application into disparate parts only to then add them together for a higher cumulative fee.

On November 26, 1994, after significant public input, including several hearings and public meetings and an evaluation of the fee structure by an outside consultant, the Board's amendments to the Department's plan approval and operating permit program were established as required to be consistent with the 1992 APCA amendments. See 24 Pa.B. 5937, 5938. As a result of public comments opposing the proposed fee structure and recommendations that the Department establish fees based on the time necessary to process the plan approval application, the Department established the six categories of plan approval fees to better reflect the actual cost to the Commonwealth of evaluating plan approval applications. See 24 Pa.B. 5903. As required under section 5(a) of the RRA, the Department submitted a copy of the proposed rulemaking to the Chairpersons of the House Conservation Committee and the Senate Environmental Resources and Energy Committee for review and comment, and the final-form regulation was deemed approved by both Committees on October 11, 1994. See 24 Pa.B. 5910.

In the 1994 regulatory amendments, the Board stated that "the fees for plan approvals are still based on the complexity of the plan approval application" and that "the new fee structure is a better reflection of the actual cost to the Commonwealth for evaluating plan approval applications." See 24 Pa.B. 5902. The Board's position and the plan approval fee structure remains unchanged in this final-form rulemaking. The Board still holds that applicants should only have to pay for the service rendered, particularly considering that every plan approval application is different and requires a level of review based on the number and complexity of the components. The six categories of plan approval fees

required under § 127.702(b)—(g) were established in 1994. Thus, applicants have been paying separate fees for the processing of the components of plan approval applications since implementation of the fee schedule in 1994. Without the current fee structure, the Department would have to assess a higher application fee for all applicants.

The legislators commented that the current fee structure for the Department as authorized by the APCA for the Title V program is based on an emission fee model. The Legislature through the APCA, and Congress through the CAA, clearly intended for the emission fee to be the main source of revenue for the Title V program.

The legislators are correct that the current fee structure for the Department as authorized by the APCA for the Title V program is based on an emission fee model. In fact, most of the fees referenced in section 6.3 of the APCA are considered emission fees. Under section 6.3(d) of the APCA, “the board shall establish a permanent air emission fee which considers the size of the air contamination source, the resources necessary to process the application for plan approval or an operating permit, the complexity of the plan approval or operating permit, the quantity and type of emissions from the sources, the amount of fees charged in neighboring states, the importance of not placing existing or prospective sources in this Commonwealth at a competitive disadvantage and other relevant factors.” Section 6.3(f) further states that the fees referenced in subsections (b), (c) and (j) are emissions fees.

However, the legislators seem to be referencing the permanent annual air emission fee required under section 6.3(c). The APCA includes the annual air emission fee as required for regulated pollutants under section 502(b) of the CAA, but does not stipulate that the annual air emission fee is to provide a certain percentage of the revenue for the Title V program, only that the annual air emission fee is a component of the fee schedule for the Title V program. Further, the Board does not agree that Congress through the CAA clearly intended for the annual air emission fee to be the main source of revenue for the Title V program. In the EPA’s July 21, 1992, final rule addressing the Part 70 operating permit program, the EPA stated that “. . . [t]he EPA interprets title V to offer permitting authorities flexibility in setting variable fee amounts for different pollutants or different source categories, as long as the sum of all fees collected is sufficient to meet the reasonable direct and indirect costs required to develop and administer the provisions of title V of the Act, including section 507 as it applies to part 70 sources.” See 57 FR 32258 (July 21, 1992). Additionally, the EPA stated that “. . . [t]he State is not required to assess fees on any particular basis and can use application fees, service-based fees, emissions fees based on either actual or allowable emissions, other types of fees, or any combination thereof.” See 57 FR 32292 (July 21, 1992).

The legislators expressed that while they truly appreciate the achievements in pollution reduction and the efforts made to provide for cleaner air, they believe that this goal can be achieved while not harming our economy. Section 5.2 of the RRA (71 P.S. § 745.5b) requires IRRC to consider the economic or fiscal impacts of a regulation, specifically the adverse effects on prices of goods and services, productivity or competition.

The Department reviewed the real gross domestic product (RGDP) data for this Commonwealth’s private manufacturing sector available on the web site of the

Federal Reserve Bank of St. Louis, MO, for the years 1997—2018. The Board’s last increase to the permitting fee schedule was implemented in 2005. The RGDP output for this Commonwealth’s private manufacturing sector averaged over the years 2005—2017 is greater than \$81 billion. The projected increase in permitting fee revenue of approximately \$13 million is 0.01% of the average annual total private manufacturing RGDP of the past 12 years. The Department contends that \$13 million spread out across this Commonwealth’s entire air quality regulated community will not have a significant adverse effect. Rather, by increasing the fee revenue and providing the Department the means to increase staffing, the Department will be able to review, approve and issue permits more quickly, thereby providing the regulated community with the opportunity to expand their businesses and hire more people. This will increase the industrial output and improve this Commonwealth’s economy.

The legislators commented that it is entirely reasonable that a decline in revenue for the Air Quality Program would coincide with the significant decline in pollution and polluting facilities to be regulated. That is, in fact, the goal. As this goal is increasingly realized, Title V facilities which are regulated under this program should not have to subsidize efforts to reduce air pollution from other sources not under this program.

In response, the Board agrees that facilities regulated under the Title V program should not have to subsidize efforts to reduce air pollution from sources or facilities that are not regulated under the Title V program. Hence, this final-form rulemaking includes a fee-for-service schedule designed to spread the costs of the Air Quality Program across more of the users rather than concentrating the burden on Title V facilities. Moreover, even though emissions are declining, the overall services that the Department provides and the cost of those services continues to increase.

Two commenters and several members of AQTAC mentioned that the proposed fee package did not address the fact that carbon dioxide (CO<sub>2</sub>) became a “regulated pollutant” on December 22, 2015, and therefore should be assessed in some way regarding the Title V emission fee dollar per ton calculation.

As mentioned previously, in the EPA’s July 21, 1992, final rule addressing the Part 70 operating permit program, the EPA stated that “. . . [t]he EPA interprets title V to offer permitting authorities flexibility in setting *variable fee amounts for different pollutants* or different source categories, as long as the sum of all fees collected is sufficient to meet the reasonable direct and indirect costs required to develop and administer the provisions of title V of the Act, including section 507 as it applies to part 70 sources.” (emphasis added) See 57 FR 32258. Therefore, the Department is exercising enforcement discretion to not assess a permanent annual air emission fee for CO<sub>2</sub> emissions or, in other words, assessing a fee of \$0 per ton in this final-form rulemaking.

However, the Department is exploring appropriate ways to address CO<sub>2</sub> emissions. On October 3, 2019, Governor Tom Wolf signed Executive Order 2019-07 published at 49 Pa.B. 6376 (October 26, 2019), directing the Department to develop a proposed rulemaking to abate, control or limit CO<sub>2</sub> emissions from fossil fuel-fired electric generating units as authorized by the APCA. The proposed rulemaking will establish a CO<sub>2</sub> budget consistent with

the participating states in the Regional Greenhouse Gas Initiative (RGGI), as well as a fee per ton of CO<sub>2</sub> emitted from a fossil fuel-fired electric generating unit.

### *G. Benefits, Costs and Compliance*

#### *Benefits*

The revenue from the fees in this final-form rulemaking will be directed to the Clean Air Fund, comprised of the Title V and Non-Title V Accounts. Together, the funds in these accounts currently represent approximately 65% of the Air Quality Program budget. The General Fund and Federal grants make up the remaining 35%. It is unlikely that General Fund money or Federal grants directed to the Air Quality Program will increase in the foreseeable future to offset the declining revenue from the permitting fees and emission fees. In the early years of the Title V program when there were more facilities and emissions of regulated pollutants were significantly greater than today, the Clean Air Fund balance was large. After many years of drawing down this balance to cover Air Quality Program costs and expenditures that exceeded the combined annual revenue and money from the General Fund and Federal grants, the Clean Air Fund is expected to reach a zero balance sometime in FY 2021-2022. The final-form plan approval application and operating permit fee schedules are designed to bring the Clean Air Fund permitting fee revenue in line with expenditures so that the Air Quality Program is self-sustaining as required under the CAA.

Since deficit spending is not allowed, the Air Quality Program expenditures will need to be decreased by approximately \$13 million per year if these final-form amendments to the fee schedules are not promulgated. To address ongoing shortfalls in Clean Air Fund revenue, the Air Quality Program has seen significant reductions in staff since 2000 (111 positions or 30%). If Clean Air Fund revenue is not restored to sustainable levels, additional reductions in air quality staff at all levels in both the Bureau of Air Quality and the Department's six regional offices will be required. Conservatively, a decrease of 80 staff members, an approximately 30% reduction from current staffing levels, would be needed. This would severely impact the ability of the Air Quality Program to process and review permit applications; inspect facilities and respond to citizen complaints; initiate compliance and enforcement activities; and develop the required regulatory and nonregulatory SIP revisions in a timely manner. Failure to maintain an approved SIP could result in the EPA establishing a FIP for the Commonwealth; under a FIP all fees, penalties and other revenue would be paid to the EPA. This would likely be unacceptable to the regulated industry, local governments and the public.

Without the revenue from the fees in this final-form rulemaking, in addition to further reductions in Air Quality Program staff, decreases in spending would be needed on the ambient air monitoring network. Shrinking the ambient air monitoring network would, however, virtually eliminate air toxics monitoring and leave large portions of rural areas with no air monitoring. Overall, the citizens of this Commonwealth would suffer from the loss of continued air quality planning, monitoring, permitting and inspection activities that are fundamental to the economy and protecting public health and welfare and the environment. With this final-form rulemaking, the Air Quality Program can maintain its current level of effort, gradually fill 17 currently vacant Title V positions, expand its air monitoring network in shale gas areas and

develop new and improved information technology systems including ePermitting and publicly available online air quality data.

Moreover, delays in the issuance of plan approvals and operating permits can cause economic disruptions because the owner or operator of a regulated facility may not operate without an operating permit. Delays in receiving plan approvals can have a major impact on an owner or operator's decision to expand or locate an industrial operation in this Commonwealth. Increased funding for the plan approval and operating permit process will continue to allow for timely and complete review of plan approval and operating permit applications, help retain the current industry and provide certainty for businesses.

#### *Compliance costs*

The financial impact on the owners and operators of Title V facilities regulated by the Department, collectively, will be additional plan approval and operating permit costs of approximately \$900,000 per year as well as approximately \$4 million in annual operating permit maintenance fee costs. Title V small businesses, in total, will pay an estimated additional \$820,000 annually.

The financial impact on the owners and operators of Non-Title V facilities regulated by the Department, collectively, will be additional plan approval and operating permit costs of approximately \$1.5 million per year as well as approximately \$5.5 million in annual operating permit maintenance fee costs. Non-Title V small businesses, in total, will pay an estimated additional \$3.1 million annually.

Approximately \$1.5 million in asbestos notification fees will be collected from 2,000 licensed remediation contractors, most of whom are small businesses.

#### *Compliance assistance plan*

The Department plans to educate and assist the public and regulated community in understanding and complying with the requirements. This will be accomplished through the Department's ongoing compliance assistance program.

#### *Paperwork requirements*

There are no additional paperwork requirements associated with this final-form rulemaking. The existing applications and forms will be updated with the new fees.

### *H. Pollution Prevention*

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

This final-form rulemaking allows the Department to maintain staffing levels in the Air Quality Program and the ambient air monitoring network, which will provide a sound basis for continued air quality assessments and planning that are fundamental to a strong economy, reducing pollution, and protecting public health and welfare and the environment.



I. *Sunset Review*

The Board is not establishing a sunset date for this final-form rulemaking because it is needed for the Department to carry out its statutory authority. If published as a final-form regulation, the Department will closely monitor its effectiveness and recommend updates to the Board as necessary. At least every 5 years, the Department will provide the Board with an evaluation of the fees in this subchapter and recommend regulatory changes to the Board to address any disparity between the program income generated by the fees and the Department's cost of administering the Air Quality Program with the objective of ensuring sufficient fees to meet all program costs.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 27, 2019, the Department submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 1777, to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

On September 15, 2020, the House Environmental Resources and Energy Committee issued a disapproval notification of this final-form rulemaking, triggering a 14-day review period after IRRC consideration of the rulemaking under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)). Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 17, 2020, and approved the final-form rulemaking. On September 30, 2020, the House Environmental Resources and Energy Committee voted to report a concurrent resolution to disapprove the final-form rulemaking approved by IRRC to the General Assembly under section 7(d) of the Regulatory Review Act (71 P.S. § 745.7(d)). The concurrent resolution was not passed by the General Assembly within 30 calendar days or 10 legislative days from the reporting of the concurrent resolution, and therefore this final-form regulation may be promulgated.

K. *Findings of the Board*

The Board 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 regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 49 Pa.B. 1777.

(4) These regulations are reasonably necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

L. *Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 127, are amended by amending §§ 121.1, 127.424, 127.702—27.705 and adding 127.465 and 127.708—127.710 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

*(Editor's Note:* Proposed § 127.709 was renumbered to § 127.708.)

*(Editor's Note:* Proposed § 127.710 was renumbered to § 127.709.)

*(Editor's Note:* Proposed § 127.711 has been withdrawn.)

*(Editor's Note:* Proposed § 127.712 was renumbered to § 127.710.)

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

(c) The Chairperson of the Board shall submit this final-form regulation to IRRC and the House and Senate Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

(d) The Chairperson of the Board shall certify this final-form regulation and deposit them with the Legislative Reference Bureau as required by law.

(e) This final-form regulation will be submitted to the EPA as a revision to the Commonwealth's SIP.

(f) This final-form regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,  
Chairperson

*(Editor's Note:* See IRRC's approval order at 50 Pa.B. 5597 (October 3, 2020).)

**Fiscal Note:** Fiscal Note 7-536 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P.S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Synthesized pharmaceutical manufacturing*—Manufacture of pharmaceutical products by chemical synthesis.

*Synthetic minor facility*—An air contamination source subject to Federally enforceable conditions that limit the

facility's potential to emit to less than the major facility thresholds specified in the definition of "Title V facility."

TPY—Tons per year.

\* \* \* \* \*

## CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION AND OPERATION OF SOURCES

### Subchapter F. OPERATING PERMIT REQUIREMENTS

#### REVIEW OF APPLICATIONS

##### § 127.424. Public notice.

(a) Except as provided in § 127.462 (relating to minor operating permit modifications), the Department will prepare a notice of action to be taken on applications for an operating permit.

(b) For sources identified in § 127.44(b)(1)—(5) (relating to public notice), the notice required by subsection (a) will be completed and sent to the applicant, the EPA, any state within 50 miles of the facility and any state whose air quality may be affected and that is contiguous to this Commonwealth. The applicant shall, within 10 days of receipt of notice, publish the notice on at least 3 separate days in a prominent place and size in a newspaper of general circulation in the county in which the source is to be located. Proof of the publication shall be filed with the Department within 1 week thereafter. An operating permit will not be issued by the Department if the applicant fails to submit the proof of publication. The Department will publish notice for the sources identified in § 127.44(b) in the *Pennsylvania Bulletin*.

(c) If the Department denies an operating permit, written notice of the denial will be given to requestors and to the applicant and will be published in the *Pennsylvania Bulletin*.

(d) In each case, the Department will publish notices required in subsection (a) in the *Pennsylvania Bulletin*.

(e) The notice will state, at a minimum, the following:

(1) The location at which the application may be reviewed. This location shall be in the region affected by the application.

(2) A 30-day comment period, from the date of publication, will exist for the submission of comments.

(3) Permits issued to sources identified in § 127.44(b)(1)—(5) or permits issued to sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may become a part of the SIP and will be submitted to the EPA for review and approval.

#### OPERATING PERMIT MODIFICATIONS

##### § 127.465. Significant operating permit modification procedures.

(a) The owner or operator of a stationary air contamination source or facility may make a significant modification to an applicable operating permit under this section.

(b) Significant operating permit modifications must meet the requirements of this chapter, including §§ 127.424 and 127.425 (relating to public notice; and contents of notice).

(c) The owner or operator of the facility shall submit to the Department, on a form provided by or approved by the Department, a brief description of the change, the

date on which the change is to occur and the proposed language for revising the operating permit conditions proposed to be changed.

(d) Unless precluded by the Clean Air Act or the regulations thereunder, the permit shield described in § 127.516 (relating to permit shield) shall extend to an operational flexibility change authorized by this section.

(e) The Department will take final action on the proposed change within 180 days of receipt of the complete application for the significant operating permit modification and, after taking final action, will publish notice of the action in the *Pennsylvania Bulletin*.

### Subchapter I. PLAN APPROVAL AND OPERATING PERMIT FEES

##### § 127.702. Plan approval fees.

(a) Each applicant for a plan approval shall, as part of the plan approval application, submit the application fees required by this section to the Department. The applicable fees required under subsections (b)—(h) are cumulative.

(b) The owner or operator of a source requiring approval under Subchapter B (relating to plan approval requirements) shall pay a fee equal to:

(1) One thousand dollars (\$1,000) for applications filed during calendar years 2005—2020.

(2) Two thousand five hundred dollars (\$2,500) for applications filed during calendar years 2021—2025.

(3) Three thousand one hundred dollars (\$3,100) for applications filed during calendar years 2026—2030.

(4) Three thousand nine hundred dollars (\$3,900) for applications filed for the calendar years beginning with 2031.

(c) The owner or operator of a source requiring approval under Subchapter E (relating to new source review) shall pay a fee equal to:

(1) Five thousand three hundred dollars (\$5,300) for applications filed during calendar years 2005—2020.

(2) Seven thousand five hundred dollars (\$7,500) for applications filed during calendar years 2021—2025.

(3) Nine thousand four hundred dollars (\$9,400) for applications filed during calendar years 2026—2030.

(4) Eleven thousand eight hundred dollars (\$11,800) for applications filed for the calendar years beginning with 2031.

(d) The owner or operator of a source subject to and requiring approval under standards adopted under Chapter 122 (relating to National standards of performance for new stationary sources), Chapter 124 (relating to National emission standards for hazardous air pollutants) or § 127.35(b) (relating to maximum achievable control technology standards for hazardous air pollutants) shall pay the specified fee for each applicable standard up to and including three applicable standards per plan approval application. Applicants that have more than three applicable standards shall pay the fee for a maximum of three standards. The Department's permitting review will include all applicable standards. The fee for each applicable standard is equal to:

(1) One thousand seven hundred dollars (\$1,700) for applications filed through calendar year 2020.

(2) Two thousand five hundred dollars (\$2,500) for applications filed during calendar years 2021—2025.

(3) Three thousand one hundred dollars (\$3,100) for applications filed during calendar years 2026—2030.

(4) Three thousand nine hundred dollars (\$3,900) for applications filed for the calendar years beginning with 2031.

(e) The owner or operator of a source subject to and requiring approval under § 127.35(c), (d) or (h) shall pay a fee equal to:

(1) Eight thousand dollars (\$8,000) for applications filed during calendar years 2005—2020.

(2) Nine thousand five hundred dollars (\$9,500) for applications filed during calendar years 2021—2025.

(3) Eleven thousand nine hundred dollars (\$11,900) for applications filed during calendar years 2026—2030.

(4) Fourteen thousand nine hundred dollars (\$14,900) for applications filed for the calendar years beginning with 2031.

(f) The owner or operator of a source requiring approval under Subchapter D (relating to prevention of significant deterioration of air quality) shall pay a fee equal to:

(1) Twenty-two thousand seven hundred dollars (\$22,700) for applications filed during calendar years 2005—2020.

(2) Thirty-two thousand five hundred dollars (\$32,500) for applications filed during calendar years 2021—2025.

(3) Forty thousand six hundred dollars (\$40,600) for applications filed during calendar years 2026—2030.

(4) Fifty thousand eight hundred dollars (\$50,800) for applications filed for the calendar years beginning with 2031.

(g) The owner or operator of a source that submits a plan approval application for a PAL permit under § 127.218(b) (relating to PALs), to cease a PAL permit under § 127.218(j) or to increase a PAL under § 127.218(l) shall pay a fee equal to:

(1) Seven thousand five hundred dollars (\$7,500) for applications filed during calendar years 2021—2025.

(2) Nine thousand four hundred dollars (\$9,400) for applications filed during calendar years 2026—2030.

(3) Eleven thousand eight hundred dollars (\$11,800) for applications filed for the calendar years beginning with 2031.

(h) The owner or operator of a source proposing a PAL under Subchapter D that is not included in an application submitted under subsection (f) or subsection (g) shall pay a fee equal to:

(1) Seven thousand five hundred dollars (\$7,500) for applications filed during calendar years 2021—2025.

(2) Nine thousand four hundred dollars (\$9,400) for applications filed during calendar years 2026—2030.

(3) Eleven thousand eight hundred dollars (\$11,800) for applications filed for the calendar years beginning with 2031.

(i) The owner or operator of a source proposing a minor modification of a plan approval, an extension of a plan approval or a transfer of a plan approval shall pay the fee in paragraph (1) or paragraph (2) as applicable.

(1) An applicant for a minor modification of a plan approval may not include an increase in emissions, an analysis of the ambient impacts of the source or a

reassessment of a control technology determination. The applicant shall do all of the following:

(i) Meet the applicable requirements of § 127.44 (relating to public notice).

(ii) Pay a fee equal to:

(A) Three hundred dollars (\$300) for applications filed during calendar years 2005—2020.

(B) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(C) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(D) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(2) An applicant for an extension of a plan approval or a transfer of a plan approval shall pay a fee equal to:

(i) Three hundred dollars (\$300) for applications filed during calendar years 2005—2020.

(ii) Seven hundred fifty dollars (\$750) for applications filed during calendar years 2021—2025.

(iii) Nine hundred dollars (\$900) for applications filed during calendar years 2026—2030.

(iv) One thousand one hundred dollars (\$1,100) for applications filed for the calendar years beginning with 2031.

(3) The fee for an extension of a plan approval will not apply if, through no fault of the applicant, an extension is required.

(j) The owner or operator of a source proposing a revision to a plan approval application submitted by the applicant that includes one or more of the following changes after the Department has completed its technical review shall pay the fee in paragraph (1) or paragraph (2) as applicable.

(1) For an analysis of the ambient impacts of the source, a fee equal to:

(i) Nine thousand dollars (\$9,000) for applications filed during calendar years 2021—2025.

(ii) Eleven thousand three hundred dollars (\$11,300) for applications filed during calendar years 2026—2030.

(iii) Fourteen thousand one hundred dollars (\$14,100) for applications filed for the calendar years beginning with 2031.

(2) For a reassessment of a control technology determination, the applicable fee under subsection (b).

(k) The owner or operator of a source applying for a risk assessment shall, as part of the plan approval application, pay the fee in paragraph (1) or paragraph (2) as applicable.

(1) For a risk assessment that is inhalation only for all modeling, a fee equal to:

(i) Ten thousand dollars (\$10,000) for applications filed during calendar years 2021—2025.

(ii) Twelve thousand five hundred dollars (\$12,500) for applications filed during calendar years 2026—2030.

(iii) Fifteen thousand six hundred dollars (\$15,600) for applications filed for the calendar years beginning with 2031.

(2) For a multipathway risk assessment, a fee equal to:

(i) Twenty-five thousand dollars (\$25,000) for applications filed during calendar years 2021—2025.

(ii) Thirty-one thousand three hundred dollars (\$31,300) for applications filed during calendar years 2026—2030.

(iii) Thirty-nine thousand one hundred dollars (\$39,100) for applications filed for the calendar years beginning with 2031.

**§ 127.703. Operating permit fees under Subchapter F.**

(a) Each applicant for an operating permit, which is not for a Title V facility, shall, as part of the operating permit application and as required on an annual basis, submit the fees required by this section to the Department.

(b) Each applicant subject to subsection (a) shall pay a fee equal to the following, as applicable. These fees apply to the application for a new operating permit and for the renewal and reissuance, modification or administrative amendment of an operating permit or part thereof or to a transfer of an operating permit.

(1) For a new operating permit:

(i) Three hundred seventy-five dollars (\$375) for applications filed during calendar years 2005—2020.

(ii) Two thousand five hundred dollars (\$2,500) for applications filed during calendar years 2021—2025.

(iii) Three thousand one hundred dollars (\$3,100) for applications filed during calendar years 2026—2030.

(iv) Three thousand nine hundred dollars (\$3,900) for applications filed for the calendar years beginning with 2031.

(2) For a renewal and reissuance of an operating permit or part thereof:

(i) Three hundred seventy-five dollars (\$375) for applications filed during calendar years 2005—2020.

(ii) Two thousand one hundred dollars (\$2,100) for applications filed during calendar years 2021—2025.

(iii) Two thousand six hundred dollars (\$2,600) for applications filed during calendar years 2026—2030.

(iv) Three thousand three hundred dollars (\$3,300) for applications filed for the calendar years beginning with 2031.

(3) For a minor modification of an operating permit or part thereof:

(i) Three hundred seventy-five dollars (\$375) for applications filed during calendar years 2005—2020.

(ii) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(iii) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(iv) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(4) For a significant modification of an operating permit or part thereof:

(i) Three hundred seventy-five dollars (\$375) for applications filed during calendar years 2005—2020.

(ii) Two thousand dollars (\$2,000) for applications filed during calendar years 2021—2025.

(iii) Two thousand five hundred dollars (\$2,500) for applications filed during calendar years 2026—2030.

(iv) Three thousand one hundred dollars (\$3,100) for applications filed for the calendar years beginning with 2031.

(5) For an administrative amendment of an operating permit or part thereof or a transfer of an operating permit:

(i) Three hundred seventy-five dollars (\$375) for applications filed during calendar years 2005—2020.

(ii) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(iii) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(iv) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(c) Each applicant subject to subsection (a) shall pay the annual operating permit administration fee of three hundred seventy-five dollars (\$375) through December 31, 2020.

(d) Except as specified in paragraph (1), beginning January 16, 2021, each applicant subject to subsection (a) shall pay the annual operating permit maintenance fee in paragraph (2) or paragraph (3) on or before December 31 of each year for the next calendar year.

(1) The annual operating permit maintenance fee in paragraph (2) or paragraph (3) for calendar year 2021 is due on or before March 17, 2021.

(2) For a synthetic minor facility, a fee equal to:

(i) Four thousand dollars (\$4,000) for calendar years 2021—2025.

(ii) Five thousand dollars (\$5,000) for calendar years 2026—2030.

(iii) Six thousand three hundred dollars (\$6,300) for the calendar years beginning with 2031.

(3) For a facility that is not a synthetic minor, a fee equal to:

(i) Two thousand dollars (\$2,000) for calendar years 2021—2025.

(ii) Two thousand five hundred dollars (\$2,500) for calendar years 2026—2030.

(iii) Three thousand one hundred dollars (\$3,100) for the calendar years beginning with 2031.

**§ 127.704. Title V operating permit fees under Subchapter G.**

(a) Each applicant for an operating permit, which is for a Title V facility, shall, as part of the operating permit application and as required on an annual basis, submit the fees required by this section to the Department.

(b) Each applicant subject to subsection (a) shall pay a fee equal to the following, as applicable. These fees apply to the application for a new operating permit and for the renewal and reissuance, modification or administrative amendment of an operating permit or part thereof or a transfer of an operating permit.

(1) For a new operating permit:

(i) Seven hundred fifty dollars (\$750) for applications filed during calendar years 2005—2020.

(ii) Five thousand dollars (\$5,000) for applications filed during calendar years 2021—2025.

(iii) Six thousand three hundred dollars (\$6,300) for applications filed during calendar years 2026—2030.

(iv) Seven thousand nine hundred dollars (\$7,900) for applications filed for the calendar years beginning with 2031.

(2) For a renewal and reissuance of an operating permit or part thereof:

(i) Seven hundred fifty dollars (\$750) for applications filed during calendar years 2005—2020.

(ii) Four thousand dollars (\$4,000) for applications filed during calendar years 2021—2025.

(iii) Five thousand dollars (\$5,000) for applications filed during calendar years 2026—2030.

(iv) Six thousand three hundred dollars (\$6,300) for applications filed for the calendar years beginning with 2031.

(3) For a minor modification of an operating permit or part thereof:

(i) Seven hundred fifty dollars (\$750) for applications filed during calendar years 2005—2020.

(ii) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(iii) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(iv) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(4) For a significant modification of an operating permit or part thereof:

(i) Seven hundred fifty dollars (\$750) for applications filed during calendar years 2005—2020.

(ii) Four thousand dollars (\$4,000) for applications filed during calendar years 2021—2025.

(iii) Five thousand dollars (\$5,000) for applications filed during calendar years 2026—2030.

(iv) Six thousand three hundred dollars (\$6,300) for applications filed for the calendar years beginning with 2031.

(5) For an administrative amendment of an operating permit or part thereof or a transfer of an operating permit:

(i) Seven hundred fifty dollars (\$750) for applications filed during calendar years 2005—2020.

(ii) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(iii) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(iv) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(c) Each applicant subject to subsection (a) that is the owner or operator of a facility identified in subparagraph (iv) of the definition of Title V facility in § 121.1 (relating to definitions) shall pay the annual operating permit administration fee of seven hundred fifty dollars (\$750) through December 31, 2020.

(d) Except as specified in paragraph (1), beginning January 16, 2021, each applicant subject to subsection (a) shall pay the annual operating permit maintenance fee in

paragraph (2), paragraph (3) or paragraph (4) on or before December 31 of each year for the next calendar year.

(1) The annual operating permit maintenance fee in paragraph (2) for calendar year 2021 is due on or before March 17, 2021.

(2) Eight thousand dollars (\$8,000) for calendar years 2021—2025.

(3) Ten thousand dollars (\$10,000) for calendar years 2026—2030.

(4) Twelve thousand five hundred dollars (\$12,500) for the calendar years beginning with 2031.

(e) The owner or operator of a source that submits an application for a PAL permit under § 127.218(b) (relating to PALs), to cease a PAL permit under § 127.218(j) or to increase a PAL under § 127.218(l) shall pay a fee equal to:

(1) Ten thousand dollars (\$10,000) for applications filed during calendar years 2021—2025.

(2) Twelve thousand five hundred dollars (\$12,500) for applications filed during calendar years 2026—2030.

(3) Fifteen thousand six hundred dollars (\$15,600) for applications filed for the calendar years beginning with 2031.

(f) The owner or operator of a source proposing a PAL under Subchapter D (relating to prevention of significant deterioration of air quality) that is not included in an application submitted under subsection (e) shall pay a fee equal to:

(1) Ten thousand dollars (\$10,000) for applications filed during calendar years 2021—2025.

(2) Twelve thousand five hundred dollars (\$12,500) for applications filed during calendar years 2026—2030.

(3) Fifteen thousand six hundred dollars (\$15,600) for applications filed for the calendar years beginning with 2031.

**§ 127.705. Emission fees.**

(a) The owner or operator of a Title V facility including a Title V facility located in Philadelphia County or Allegheny County, except a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 (relating to definitions), shall pay an annual Title V emission fee of \$85 per ton for each ton of a regulated pollutant actually emitted from the facility. The owner or operator will not be required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant from the facility. The owner or operator of a Title V facility located in Philadelphia County or Allegheny County shall pay the emission fee to the county Title V program approved by the Department under section 12 of the act (35 P.S. § 4012) and § 127.706 (relating to Philadelphia County and Allegheny County financial assistance).

(b) The emissions fees required by this section shall be due on or before September 1 of each year for emissions from the previous calendar year. The fees required by this section shall be paid for emissions occurring in calendar year 2013 and for each calendar year thereafter.

(c) As used in this section, the term “regulated pollutant” means a VOC, each pollutant regulated under sections 111 and 112 of the Clean Air Act (42 U.S.C.A. §§ 7411 and 7412) and each pollutant for which a

National ambient air quality standard has been promulgated, except that carbon monoxide shall be excluded from this reference.

(d) The emission fee imposed under subsection (a) shall be increased in each calendar year after December 14, 2013, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year.

(e) For purposes of subsection (d):

(1) The Consumer Price Index for a calendar year is the average of the Consumer Price Index for All-Urban Consumers, published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

(2) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

**§ 127.708. Asbestos abatement or regulated demolition or renovation project notification.**

(a) An owner or operator of an asbestos abatement or regulated demolition or renovation project that is subject to 40 CFR Part 61, Subpart M (relating to National emission standard for asbestos) or the Asbestos Occupations Accreditation and Certification Act (Act 1990-194) (63 P.S. §§ 2101—2112) and which is not located in Philadelphia County or Allegheny County shall submit to the Department with the required notification form a fee equal to:

(1) Three hundred dollars (\$300) for forms filed during calendar years 2021—2025.

(2) Four hundred dollars (\$400) for forms filed during calendar years 2026—2030.

(3) Five hundred dollars (\$500) for forms filed for the calendar years beginning with 2031.

(b) The Department will waive the fee for a subsequent notification form submitted for the asbestos abatement or regulated demolition or renovation project.

**§ 127.709. Fees for requests for determination.**

The owner or operator of a source subject to this chapter that submits a request for determination under § 127.14 (relating to exemptions) for a plan approval, an operating permit or for both a plan approval and an operating permit shall pay the applicable fee specified in paragraph (1) or paragraph (2):

(1) The owner or operator of a source that meets the definition of small business stationary source set forth in section 3 of the act (35 P.S. § 4003) shall pay a fee equal to:

(i) Four hundred dollars (\$400) for requests for determination filed during calendar years 2021—2025.

(ii) Five hundred dollars (\$500) for requests for determination filed during calendar years 2026—2030.

(iii) Six hundred dollars (\$600) for requests for determination filed for the calendar years beginning with 2031.

(2) The owner or operator of a source that does not meet the criterion in paragraph (1) shall pay a fee equal to:

(i) Six hundred dollars (\$600) for requests for determination filed during calendar years 2021—2025.

(ii) Eight hundred dollars (\$800) for requests for determination filed during calendar years 2026—2030.

(iii) One thousand dollars (\$1,000) for requests for determination filed for the calendar years beginning with 2031.

**§ 127.710. Fees for the use of general plan approvals and general operating permits under Subchapter H.**

The Department may establish application fees for the use of general plan approvals and general operating permits under Subchapter H (relating to general plan approvals and operating permits) for stationary or portable sources. These application fees will be established when the general plan approval or general operating permit is issued or modified by the Department. These application fees will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632 (relating to public notice and review period).

[Pa.B. Doc. No. 21-78. Filed for public inspection January 15, 2021, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF DENTISTRY

[ 49 PA. CODE CH. 33 ]

#### Public Health Dental Hygiene Practitioner Practice Sites

The State Board of Dentistry (Board) hereby amends § 33.205b (relating to practice as a public health dental hygiene practitioner), to read as set forth in Annex A.

#### *Effective Date*

The amendments will be effective upon publication of this final-form rulemaking in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

Section 3(o) of the Dental Law (act) (63 P.S. § 122(o)) authorizes the Board to adopt, promulgate and enforce rules and regulations as may be deemed necessary by the Board to carry out the provisions of the act. Section 11.9(b)(10) of the act (63 P.S. § 130j(b)(10)) authorizes the Board to determine other locations at which public health dental hygiene practitioners may practice.

#### *Background and Purpose*

On January 4, 2016, the act of November 4, 2015 (P.L. 225, No. 60) (Act 60 of 2015) became effective, amending section 11.9 of the act to allow the Board to add other “locations” it deems appropriate for practice by public health dental hygiene practitioners in addition to those enumerated by the General Assembly. Prior to this amendment, subsection (b)(10) permitted the Board to add other “institutions” it deemed appropriate. On March 3, 2016, the Pennsylvania Dental Hygienists’ Association (PDHA) petitioned the Board, seeking amendments to the regulations to include additional practice sites for public health dental hygiene practitioners. Specifically, the PDHA asked the Board to consider adding the following locations: private settings of hospice and home-bound patients; primary care settings, especially pediatric settings; and childcare settings. The Board developed the proposed rulemaking in response to the PDHA’s petition. The proposed rulemaking sought to clarify the acceptable practice sites included within the definition of “health care facilities” under section 802.1 of the Health Care

Facilities Act (35 P.S. § 448.802a); expand the locations at which a public health dental hygiene practitioner may practice beyond just “personal care homes” to include other “facilities” regulated by the Department of Human Services as defined in section 1001 of the Human Services Code (62 P.S. § 1001); and add as an acceptable practice site an office or clinic of a physician. These additional sites were meant to expand access to dental hygiene services, oral health education and referrals to dentists as authorized by Act 60 of 2015.

*Summary of Comments to the Proposed Rulemaking; the Board’s Response and Description of Amendments to the Final-form Rulemaking*

Notice of proposed rulemaking was published at 49 Pa.B. 1396 (March 23, 2019). Publication was followed by a 30-day public comment period. The Board received numerous comments from different state and National organizations and individual licensees, both dentists and dental hygienists, throughout this Commonwealth. Public health dental hygiene practitioners, and dental hygienists uniformly advocated in favor of the regulation, while dentists and other representative groups expressed opposition. In addition, the Independent Regulatory Committee (IRRC) reviewed the proposed rulemaking and provided comments and recommendations. The Board also received comments from the House Professional Licensure Committee (HPLC). The Board did not receive any comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). To effectively address all the comments, the Board has categorized them by topic.

*Public comments*

A common concern among dentists is that parents will falsely believe that if their children have been seen by a public health dental hygiene practitioner (PHDHP) in offices of pediatricians or primary care physicians, they will have a false sense of security that their children have had adequate quality comprehensive dental care and will not take their children to a dentist. There were also many questions about how the PHDHP will ensure that patients make a referral appointment with a dentist or if the patient will even follow through with the referral to a dentist when they are already receiving cleanings at their primary care physician’s office. Other dentists opined that the regulation contains no language that limits PHDHP’s location of practice to economically depressed, dentally underserved areas, and that expanding practice to physicians’ offices does not necessarily provide additional access to care because physicians can locate their practice where they see fit, including high-access or affluent areas of the State.

The Board recognizes that pediatric medical offices and other primary care settings see populations that need the most preventive oral health care on a regular basis for well-child visits. The Board therefore believes that medical offices are the perfect setting to deliver safe and effective oral hygiene education and preventive services to underserved areas. The Board further believes that this additional site will expand access to oral health care and education by public health dental hygiene practitioners and will assist patients, particularly pediatric patients, find a “dental home” by way of the annual referral to a dentist. However, the Board agrees that simply expanding practice to physicians’ offices does not necessarily provide additional access to dental care because physicians can locate their practice where they see fit. The Board also agrees that economically depressed, underserved areas are those that are most lacking in access to oral health

care. After careful deliberation, the Board’s final-form rulemaking adds language to § 33.205b(c)(11) to clarify that PHDHPs may perform dental hygiene services without the supervision of a dentist in an office or clinic of a physician, including a satellite location/operation, that is located in a dental health professional shortage area, as determined by the United States Department of Health and Human Services, Health Resources & Services Administration. The Pennsylvania Department of Health publishes a list of dental health professional shortage areas in this Commonwealth on its web site, and the Board will include a link to that list on its web site. The Board believes that expanding the practice sites to offices or clinics of a physician, but limiting these locations to those in dental health professional shortage areas, is a fair compromise that takes into consideration concerns expressed by opponents to this final-form rulemaking, while increasing access to quality oral health care to those who might not be able to obtain services from a traditional dental setting.

The Board appreciates that many opponents of this final-form rulemaking question how the PHDHP will ensure that patients make a referral appointment with a dentist. But that concern is true with any practice site at which the professional practice of a PHDHP is currently permitted, including those sites already authorized in the Dental Law, and those sites added by this final-form rulemaking. Frankly, there is no way for a PHDHP to ensure that a patient follows through with any referral. However, by providing a patient with oral hygiene education and services and a referral to a dental home, the PHDHP is providing preventative care, services and information to individuals who may never receive it otherwise.

Some commenters suggested that patients will likely not show for their dental appointments and that parents may not understand the difference between a screening performed by a PHDHP and a comprehensive exam performed by a dentist. This, too, is true of any practice site at which the professional practice of a PHDHP is permitted. It is the responsibility of the PHDHP providing the preventative care and screenings to inform the patients and their guardians of their role as a PHDHP. Further, the Board’s regulations already require a PHDHP to refer each patient to a licensed dentist on an annual basis. Documentation of this annual referral must be maintained in the dental record for each patient. While a PHDHP may choose not to refuse services to a patient who has failed to follow through with the referral, a yearly reminder to see a dentist is better than no reminder at all. Contrary to a commonly expressed concern, the PHDHP will not be reassuring patients that it is not necessary to see a dentist.

Others commented that PHDHPs are not trained as extensively as a dentist or a nurse practitioner and, as a result, pathology, caries, and malocclusion may be overlooked or misdiagnosed, and patient care will suffer. A similar concern is that yearly cleanings and preventative care could cause patients to be even more delayed in seeking dental care and could result in higher instances of emergency treatments. The Board recognizes that many low-income patients need services that a PHDHP cannot provide; however, a PHDHP is generally a dental hygiene graduate of a dental hygiene program accredited by the American Dental Association’s Commission on Dental Accreditation (CODA). The CODA standard (Standard 2-8) for dental hygiene curricula includes content in four areas: general education, biomedical sciences, dental sciences and dental hygiene sciences.

General education content must include oral and written communications, psychology and sociology. Biomedical science content must include content in anatomy, physiology, chemistry, biochemistry, microbiology, immunology, general and maxillofacial pathology or pathophysiology, or both, nutrition and pharmacology. Dental sciences content must include tooth morphology, head, neck and oral anatomy, oral embryology and histology, oral pathology, radiography, periodontology, pain management and dental materials. Finally, dental hygiene science content must include oral health education and preventive counseling, health promotion, patient management, clinical dental hygiene, provision of services for and management of patients with special needs, community dental/oral health, medical and dental emergencies, infection and hazard control management, and the provision of oral health care services to patients with bloodborne infectious diseases. In addition, a PHDHP must have completed at least 3,600 hours of practice under the supervision of a licensed dentist. A PHDHP can certainly educate the public on the importance of oral health and connect them to a dental home. PHDHPs are already required to refer each patient to a licensed dentist on an annual basis so that the dentist can provide diagnosis of dental disease, radiographic examination, oral cancer screening and treatment, along with other dental care or referral to other dental specialists.

Some commenters opined that the Board's proposed rulemaking is inconsistent with the American Academy of Pediatric Dentistry's (AAPD) goal of establishment of a "dental home" for all children by 1 year of age. These same individuals commented that the proposed rulemaking is inconsistent with AAPD's policy on "Maintaining and Improving the Oral Health of Young Children," because by allowing a hygienist to function independently in a pediatrician's office, the concept of a dental home is broken. The Board's response to this comment is that by allowing PHDHPs to offer preventative care in primary care physicians' offices with an annual referral to a dentist office, will at least raise awareness to children and their parents of the need to secure a dental home. PHDHPs are already practicing in elementary and secondary schools in a way that is consistent with AAPD's goal of establishing a dental home and policies on "Maintaining and Improving the Oral Health of Young Children." Expanding the practice sites to physicians' offices that are located in a dental health professional shortage area will reach more children and allow them to receive preventative care and yearly referrals to licensed dentists that they might not otherwise receive.

Some commenters expressed concern that the Board's proposed rulemaking is not in the best interest of patients, opining that unsupervised hygienists will not protect the public and will limit additional access to address unmet dental needs. However, PHDHPs are already permitted to practice unsupervised. Inter-professional care is becoming a standard. Pediatric medical offices and other primary care settings see populations that need the most preventive oral health care on a regular basis for well-child visits. The Board agrees with the PDHA that these medical offices are "a perfect setting to deliver safe and effective oral hygiene education and services," to the neediest of populations. The inclusion of these new locations will improve access to oral health care in this Commonwealth and will improve the oral health of citizens of this Commonwealth.

The Board emphasizes that this final-form rulemaking only expands the practice sites in which the PHDHPs can practice. The scope of practice for PHDHPs, as well as

their ability to practice unsupervised, already exists. Therefore, many of the comments received, such as the level of training for PHDHPs, the scope of practice of PHDHPs, the placement of sealants, supervision of PHDHPs, or the inability of PHDHPs to diagnose or treat patients or take radiographs are outside the scope of this final-form rulemaking. The Board agrees that early detection of dental problems is crucial. PHDHPs are permitted to take radiographs as outlined in § 33.302(a) (relating to requirements for personnel performing radiologic procedures) and must provide to the patient a copy of the radiograph and a referral to a dentist indicating the reason the radiograph was taken and any observations made by the PHDHP. The dentist can then read the radiograph and make a diagnosis for comprehensive care, including restorations for caries and extractions or referrals to dental specialists such as orthodontists, periodontists, oral surgeons or endodontists. It is the licensed dentists who will provide medication that PHDHPs cannot prescribe.

Some commenters question how the Board will know that the standard of care is being met by PHDHPs when there is no dental supervision with dental expertise. The Board responds, again, that the authority allowing PHDHPs to practice independently already exists. By statutory definition a PHDHP who has satisfied the requirements of section 11.9 of the act "may perform educational, preventive, therapeutic and intra-oral procedures which the hygienist is educated to perform and which require the hygienist's professional competence and skill but which do not require the professional competence and skill of a dentist without the authorization, assignment or examination of a dentist." 63 P.S. § 121. It is the responsibility of the PHDHP to follow the Board's regulations relating to their practice and the standard of care. If a PHDHP's treatment falls below the acceptable standard of care, a complaint can be made with the Board in the same manner that complaints are made against dentists or any other licensees. Every complaint is investigated and prosecuted when appropriate. Like dentists and other licensees, PHDHPs may face disciplinary actions against their license such as public reprimand, probation, suspension, revocation or the imposition of monetary civil penalties.

Many reviewers questioned whose malpractice insurance will pay should something go wrong when being treated by a PHDHP? The Board's response to these inquiries is that section 11.9 of the act and the Board's regulations in § 33.116 (relating to certification of public health dental hygiene practitioners) require PHDHPs to provide the Board with documentation demonstrating that they obtained professional liability insurance or are a named insured governed by a group policy in the amount of \$1 million per occurrence and \$3 million per annual aggregate. If something were to occur while the PHDHP is treating a patient, the patient would be covered by the PHDHP's professional liability insurance.

Many commenters questioned, if PHDHP practice sites are expanded to include physician's offices, what are the responsibilities of physicians employing PHDHPs, and what oversight or supervision must the physician provide to the PHDHP? While dental hygienists are required to work under the supervision of a dentist, PHDHPs are not. It follows that a PHDHP who is working in a physician's office is not required to work under the supervision of the physician. While the physician may choose to have an employer/employee relationship or an employer/independent contractor relationship with the PHDHP, that is up to the parties to determine independently.



Therefore, the Board will not be regulating the relationship between the PHDHP and the physician.

Similarly, some individuals questioned to what extent the Board will oversee issues that could arise in the physician's offices, such as disciplinary actions, which are otherwise regulated by the Medical Board. The Board regulates the practice of PHDHPs; therefore, if a PHDHP commits a violation of the act or regulations, regardless of practice site, the PHDHP is subject to disciplinary action by the Board.

One commenter questioned whether it is voluntary for a physician to employ a PHDHP, and will the Board play a role in approving these arrangements or otherwise reviewing the terms and conditions between the physician and the PHDHP. As discussed previously, it is up to the parties to establish what type of employment relationship, if any, they choose to have. They might not choose to have an employment relationship. A PHDHP might opt to lease space in a physician's office and work as an independent contractor. A physician will not be forced to employ a PHDHP, as neither the Board's regulations nor the regulations of the State Board of Medicine or the State Board of Osteopathic Medicine (medical boards) mandate that arrangement.

Several comments/questions were received concerning billing and insurance. One concern was that most dental plans allow for a cleaning every 6 months, and if a patient is receiving a cleaning at the primary care physician's office, how can a dentist then examine the patient within this 6-month period? Similarly, many licensees seem to be concerned that expanding practice sites this far will create a Statewide workforce conflict with two workforce groups fighting for reimbursement from the same pool of resources instead of working together. There are also concerns that the dental community will view a hygienist as a fee for service competitor because hygienists will be billing insurance for cleanings and sealants without ever diagnosing anything. However, as previously mentioned, this is what PHDHPs do now. PHDHPs are already authorized to provide these services outside of dental offices in daycares and schools, correctional facilities, health care facilities, personal care homes, older adult daily living centers, and Federally qualified health centers, and so forth. This final-form rulemaking simply expands the PHDHPs practice sites as authorized by section 11.9 of the act. Moreover, the Board does not regulate billing. The Board recognizes that it may not be ideal for dentists to perform examinations when an oral prophylaxis was not completed immediately prior to the examination; however, the goal of this final-form rulemaking is to provide preventative oral health care on a regular basis to this Commonwealth's neediest population and to then refer these patients to a dental home. The anticipation is that patients, who otherwise would not seek dental care for themselves or their children, will seek dental care at the advice of PHDHPs.

Many individuals provided alternative suggestions to this final-form rulemaking such as offering incentives to dentists who offer low cost or free services to the underserved population. Some suggestions were to provide dental loan forgiveness or tax credit. While these suggestions are laudable, the General Assembly is more equipped to respond to these urgings. The Board is without authority to extend dental loan forgiveness or tax credits to dentists who offer low cost services to underserved populations. The Board does, however, have authority to expand the practice sites for PHDHPs to locations the Board deems appropriate. The Board feels

strongly that expanding the practice sites to areas where PHDHPs can provide preventative oral care and hygiene education services to this Commonwealth's neediest populations, is in the public's best interest.

Other suggestions included adding a uniform referral form with specific language that the PHDHP is not a licensed dentist and that the care provided by the PHDHP does not replace the need for a comprehensive dental examination with a licensed dentist. It was further suggested that this uniform referral form should provide contact information for local dentist offices or community resources that can provide dental examinations and specifically recommend that the patient schedule dental services with a licensed dentist. The Board believes that the implementation of a uniform referral form would exceed the scope of this final-form rulemaking, which is limited to the practice sites at which a PHDHP may practice. However, the Board is not opposed to considering this suggestion as part of a future rulemaking and will take it under advisement. In the meantime, the referral process for PHDHPs is already clearly outlined in the Board's existing regulations. Section 33.205b(b) currently provides that PHDHPs shall refer each patient to a licensed dentist on an annual basis. In addition, PHDHPs are required to document the referral in the patient's dental record. To date, there have not been reported issues with referrals by PHDHPs to dental offices. The reality is that with or without a uniform referral form, PHDHPs cannot force patients to follow through and see a dentist. However, the PHDHP can and should emphasize the need for regular dental care.

Last, the Board received numerous comments about in-home treatment by PHDHPs. Commentators opined that it is inherently risky because patients who need in-home attention generally have extreme physical and medical complications. Many licensees and organizations expressed concern that these patient's lives should not be put in the hands of someone who lacks emergency care training, basic life support and the availability of an AED or medical kit which would have restricted drugs. The Board agrees that in-home treatment by PHDHPs is inherently risky due to the compromised health that these patients often have. The Board notes that PHDHPs, like dentists, are required, as a condition of biennial licensure renewal, to provide proof of current certification to administer cardiopulmonary resuscitation. However, in response to these comments, the Board has deleted from § 33.205b(c) the language originally proposed in paragraph (3)(iii), which added as an acceptable practice location for PHDHPs "services provided by a health care facility to patients in their places of residence or other independent living environment."

#### *Comments from the HPLC*

The HPLC questioned whether the term "mental health establishment" includes drug and alcohol treatment facilities. If it does not, the HPLC urged the Board to include those facilities. Drug and alcohol treatment facilities are regulated by the Department of Drug and Alcohol Programs (DDAP). Specifically, the Pennsylvania Drug and Alcohol Abuse Control Act (71 P.S. §§ 1690.101—1690.115) references these types of facilities. The term "facility" is defined in the DDAP's regulations in 28 Pa. Code § 701.1 (relating to general definitions) as the physical location in which ongoing, structured and systematic drug and alcohol services are delivered. The Board has therefore amended this final-form rulemaking by adding an additional paragraph to subsection (c) to include a "facility" as defined in 28 Pa. Code § 701.1, that

is licensed by the DDAP to provide drug and alcohol treatment services as an acceptable place of practice for a PHDHP. Those attending drug and alcohol treatment facilities typically do not have access to dental care. The Board agrees that treatment by a PHDHP with an annual referral to a dental office would be beneficial in these facilities.

Like several of the public commenters, the HPLC further requested clarification regarding the Board's role in regulating the relationship between the PHDHP and the physician when services are provided in a physician's office or clinic. As noted previously, the Board has no role in regulating that relationship. How the PHDHP and the physician structure their relationship is up to them. Physicians located in dentally underserved areas are free to utilize the services of a PHDHP, or not.

#### *Comments from IRRC*

First, IRRC recommended that the Board address the HPLC's comments for IRRC's review as part of their determination of whether this final-form rulemaking is in the public's interest. The Board reviewed the HPLC's comments and addressed them previously.

#### *Subsection (c)(3)(ii)*

IRRC next requested that the Board explain why a birth center was not carried over to the list of examples outlined in § 33.205b(c)(3)(ii) as one of the acceptable practice sites where a PHDHP may perform dental hygiene services. The Board initially did not include a birth center among the examples listed because individuals typically stay in birth centers for a short period of time. However, because of IRRC's concern, the Board has reconsidered its position. The Board recognizes that receiving preventative dental care and other dental hygiene services from a PHDHP soon after the birth of a child is essential as the health of the mother's teeth could have been compromised during the pregnancy. The referral that the new mother would receive to a dentist may also encourage her to obtain a dental home for the new baby in that first year of life. Therefore, this final-form rulemaking reflects "a birth center" in the list of examples of acceptable places where a PHDHP may practice.

IRRC also commented that the phrase, "or any other facility licensed and regulated by the Department of Health or successor agency" under subsection (c)(3)(ii), is not a specific example of a facility. IRRC suggested that the Board delete this phrase from the subparagraph and include it as a separate paragraph. Similarly, IRRC suggested that the Board make the same revision to subsection (c)(4)(ii) regarding the phrase "or any other facility licensed and regulated by the Department of Human Services or a successor agency." The Board has made these revisions, which are reflected in this final-form rulemaking. In so doing, the paragraphs in subsection (c) have been renumbered.

#### *Subsection (c)(11)*

With respect to the Board's proposed expansion of PHDHP practice sites to offices and clinics of physicians licensed by the medical boards, IRRC observed that the regulations of the medical boards allow for satellite locations and operations maintained by physician assistants. IRRC therefore questioned whether satellite locations would be considered "an office or a clinic" for purposes of this paragraph and suggested that the Board clarify that issue or explain why this is unnecessary. Upon further review, the Board has included language clarifying that an office or clinic of a physician includes "a

satellite location" as defined in the State Board of Medicine's regulations in § 18.122 (relating to definitions) or "satellite operations" as defined in the State Board of Osteopathic Medicine regulations in § 25.142 (relating to definitions). Because there is no supervision required by the physician, a PHDHP can practice in a satellite office or clinic where there is no physician on the premises. Further, under §§ 18.155 and 25.175 (relating to satellite locations; and physician assistants and satellite operations), satellite locations/operations are generally utilized in areas of medical need, so this is consistent with where the PHDHP will be practicing. This final-form rulemaking reflects this change.

#### *Miscellaneous clarity*

IRRC noted that the phrase "includes, but is not limited to" appears in § 33.205b(3)(ii) and 4(ii) of the proposed rulemaking, when the *Pennsylvania Code & Bulletin Style Manual (Manual)* requires in section 6.16 (relating to words and phrases to avoid) that agencies avoid this phrase and use "includes" instead. IRRC also noted that the *Manual* states in section 2.1f (relating to arrangement of *Code*) that a subdivision may not have two designators. The Board made corrections to this final-form rulemaking consistent with IRRC's comment.

Last, IRRC recommended that cross-references to the applicable regulations of the medical boards should be added to § 33.205b(c)(11). In response, the Board has added cross references to the relevant statutes governing physicians and included pinpoint citations to the definitions of "satellite location" in Chapter 18 (relating to State Board of Medicine—practitioners other than medical doctors) and "satellite operations" in Chapter 25 (relating to State Board of Osteopathic Medicine).

#### *Fiscal Impact and Paperwork Requirements*

There are no fiscal impacts or paperwork requirements associated with this final-form rulemaking.

#### *Sunset Date*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 12, 2019, the Board submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 1396, and a copy of a Regulatory Analysis Form to the IRRC and to the Chairpersons of the HPLC and the SCP/PLC for review and comment. A copy of this material is available to the public upon request.

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

Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on December 2, 2020, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, the IRRC met on December 3, 2020, and approved the final-form rulemaking.

*Additional Information*

Additional information may be obtained by contacting Lisa Burns, Administrator, State Board of Dentistry, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-DENTISTRY@PA.GOV.

*Findings*

The Board 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 in drafting this final-form rulemaking.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 49 Pa.B. 1396.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the act.

*Order*

The Board orders that:

(a) The regulations of the Board at 49 Pa. Code Chapter 33, are amended by amending § 33.205b to read as set forth in Annex A.

(b) The Board shall submit this final-form rulemaking to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC for approval as required by law.

(d) The Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

R. IVAN LUGO, DMD,  
*Chairperson*

*(Editor's Note: See 50 Pa.B. 7255 (December 19, 2020) for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 16A-4633 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 33. STATE BOARD OF DENTISTRY**

**Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE**

**§ 33.205b. Practice as a public health dental hygiene practitioner.**

(a) *Scope of professional practice.* A public health dental hygiene practitioner may perform the dental hygiene services set forth in § 33.205(a)(2)—(6) (relating to practice as a dental hygienist) in the practice settings identified in subsection (c) without the authorization,

assignment or examination by a dentist. A public health dental hygiene practitioner may perform the dental hygiene services set forth in § 33.205(a)(1) and (7) in accordance with § 33.205(d).

(b) *Requirement of referral.* A public health dental hygiene practitioner shall refer each patient to a licensed dentist on an annual basis. Documentation of the referral must be maintained in the patient's dental record. The failure of the patient to see a dentist as referred will not prevent the public health dental hygiene practitioner from continuing to provide dental hygiene services to the patient within the scope of professional practice set forth in subsection (a).

(c) *Practice settings.* A public health dental hygiene practitioner may perform dental hygiene services without the supervision of a dentist in the following practice settings:

(1) Public and private educational institutions that provide elementary and secondary instruction to school aged children under the jurisdiction of the State Board of Education, and in accordance with all applicable provisions of the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702), the regulations relating to the certification of professional personnel in 22 Pa. Code Chapter 49 (relating to certification of professional personnel), and the regulations of the Department of Health in 28 Pa. Code § 23.35 (relating to dental hygienists).

(2) *Correctional facilities.* For purposes of this section, correctional facilities include Federal prisons and other institutions under the jurisdiction of the United States Department of Justice, Bureau of Prisons which are located within this Commonwealth; institutions, motivational boot camps and community corrections centers operated or contracted by the Department of Corrections; and jails, prisons, detention facilities or correctional institutions operated or contracted by local, county or regional prison authorities within this Commonwealth.

(3) Health care facilities, as defined in section 802.1 of the Health Care Facilities Act (35 P.S. § 448.802a), including a general, chronic disease or other type of hospital; a home health care agency; a home care agency; a hospice; a long-term care nursing facility; a cancer treatment center; an ambulatory surgical facility or a birth center.

(4) Any other facility licensed and regulated by the Department of Health or a successor agency.

(5) A "facility," as defined in section 1001 of the Human Services Code (62 P.S. § 1001), including an adult day care center; child day care center; family child care home; boarding home for children; mental health establishment; personal care home; assisted living residence; nursing home, hospital or maternity home.

(6) Any other facility licensed and regulated by the Department of Human Services or a successor agency.

(7) Domiciliary care facilities, as defined in section 2202-A of The Administrative Code of 1929 (71 P.S. § 581-2).

(8) Older adult daily living centers, as defined in section 2 of the Older Adult Daily Living Centers Licensing Act (62 P.S. § 1511.2).

(9) Continuing-care provider facilities, as defined in section 3 of the Continuing-Care Provider Registration and Disclosure Act (40 P.S. § 3203).

(10) *Federally-qualified health centers*, as defined in section 1905(1)(2)(B) of the Social Security Act (42 U.S.C.A. § 1369(1)(2)(B)). For purposes of this section, the term includes Federally-qualified health center lookalikes that do not receive grant funds under section 330 of the Public Health Service Act (42 U.S.C.A. § 254b).

(11) Public or private institutions under the jurisdiction of a Federal, State or local agency.

(12) Free and reduced-fee nonprofit health clinics.

(13) An office or clinic of a physician who is licensed by the State Board of Medicine under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53) or by the State Board of Osteopathic Medicine under the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18), that is located in a dental health professional shortage area, as determined by the United States Department of Health and Human Services, Health Resources & Services Administration, and published on the Pennsylvania Department of Health's web site at [www.health.pa.gov](http://www.health.pa.gov). For purposes of this paragraph, an office or clinic of a physician includes a "satellite location" as defined in § 18.122 (relating to definitions) or "satellite operations" as defined in § 25.142 (relating to definitions).

(14) A "facility," as defined in 28 Pa. Code § 701.1 (relating to general definitions) that is licensed by the

Department of Drug and Alcohol Programs to provide drug and alcohol treatment services.

(d) *Recordkeeping*. A public health dental hygiene practitioner shall maintain a dental record which accurately, legibly and completely reflects the dental hygiene services provided to the patient. The dental record must be retained for at least 5 years from the date of the last treatment entry. The dental record must include, at a minimum, the following:

(1) The name and address of the patient and, if the patient is a minor, the name of the patient's parents or legal guardian.

(2) The date dental hygiene services are provided.

(3) A description of the treatment or services rendered at each visit.

(4) The date and type of radiographs taken, if any, and documentation demonstrating the necessity or justification for taking radiographs, as well as the radiographs themselves.

(5) Documentation of the annual referral to a dentist.

[Pa.B. Doc. No. 21-79. Filed for public inspection January 15, 2021, 9:00 a.m.]

# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 20.172: Restoration of the Governor's Suite.** This project involves the following: cleaning, stripping, repair and refinishing of full height oak and mahogany wood panel walls, doors, windows, trim and ornaments including intricate wall panel tracery; infill of missing carved wooden tracery, replication of missing trim; installation, sanding, sealing and finishing of new wood flooring; general subfloor prep, removal of stubborn glued carpet pad residue, spot repair of subfloor to accommodate new wall to wall carpet; cleaning and polishing of marble fireplace surrounds and mantels; stripping and refinishing of miscellaneous bronze items; fabrication and installation of new window enclosures; general preparation, repair, painting, stenciling, leafing, glazing (faux finishing) of miscellaneous walls, ceilings, moulded surfaces and windows/doors; cleaning, spot repair and touch-in refinishing ornamental flat and coved ceiling and wall surfaces; installation of Capitol Preservation Committee (CPC) supplied carpeting; and installation and adjustment of CPC supplied refinished door hardware.

A \$50 deposit is required for each issuance of project documents. The issue date of the request for proposals will be on February 1, 2021. A mandatory preproposal conference and walk through will be held on February 9, 2021, at 10 a.m. in Room 401 of the Main Capitol Building, RSVP to [tpyle@cpc.state.pa.us](mailto:tpyle@cpc.state.pa.us) no later than 12 p.m. on February 8, 2021, indicating the number of attendees. The proposal receipt date is March 2, 2021, at 2 p.m. Project documents may be obtained by appointment in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle, (717) 648-1918.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 21-80. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Product Promotion, Education and Export Promotion Matching Grant Program; 2020-2021 Application Period

The Department of Agriculture (Department) announces the program requirements and application period for grants under the Pennsylvania Agricultural Product Promotion, Education and Export Promotion Matching Grant Program (Program). The Program is authorized under a Fiscal Year (FY) 2020-2021 budgetary appropriation to the Department for agricultural product promotion, education and exports. The Department intends to make up to \$300,000 available for grants under the Program.

#### 1. Program objectives.

(a) *Purpose.* The Department will award grants to provide matching funds to nonprofit agricultural product promotion and marketing organizations to reimburse up to 50% of the cost of projects intended to:

- (1) increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these agricultural products;
  - (2) educate producers and consumers with respect to Pennsylvania agricultural products; or
  - (3) otherwise facilitate the growth and development of export markets for Pennsylvania agricultural products.
- (b) *Applicants.* Grants will be awarded to Pennsylvania nonprofit agricultural product promotion and marketing organizations.
- (c) *FY 2020-2021 project funding priorities.*

(1) The Department will prioritize eligible projects for promotion, education and export market development of Pennsylvania agricultural products that support the industry's recovery as it navigates and emerges from the novel coronavirus (COVID-19) pandemic. Applicants with projects aligned to COVID-19 recovery are encouraged to submit proposals.

(2) The Department will also prioritize eligible projects that improve food security in the Commonwealth, including projects that improve access to nutritious food, decrease food waste in schools and other settings, and that leverage Federal, community and State resources through public-private partnerships

(d) *Competitive program.* The Program is competitive. Grant requests and related documentation will be reviewed by the Secretary, who will approve or reject each grant request.

(e) *Funds available basis.* Grants will not be awarded unless funds are available for this purpose. The Department need not expend all the funds that are available for the Program.

2. *Definitions.* The following words and terms have the following meanings:

*Applicant*—A Pennsylvania nonprofit agricultural product promotion and marketing organization which applies for grant moneys under the Program.

*Bureau*—The Bureau of Market Development of the Department.

*Pennsylvania agricultural products*—Any of the following agricultural commodities grown, processed or manufactured within this Commonwealth: agricultural, horticultural, aquacultural, viticulture and dairy products, livestock and the products thereof, ranch raised fur-bearing animals and the products thereof, the products of poultry and beef raising, forestry and forestry products, and all products raised or produced on farms intended for human consumption, and the processed or manufactured products thereof intended for human consumption, transported or intended to be transported in commerce.

*Pennsylvania nonprofit agricultural product promotion and marketing organization*—A nonprofit business organization having its principal business offices within this Commonwealth, or having 50% or more of its membership within this Commonwealth, or having 50% or more of the agricultural products which it promotes or markets produced within this Commonwealth, and having as its members groups, individuals or organizations that serve to distribute a Pennsylvania agricultural product in commerce. These members may include wholesalers, distributors, brokers, retailers, processors, growers and producers.

*Secretary*—The Secretary of the Department.

3. *Limitations on grants.* The minimum amount of a matching grant is \$1,000. A matching grant is a reimbursement grant, meaning no payment of grant funds will be made by the Department until the subject project is completed and the applicant documents the completion of the project to the Department in accordance with this notice.

4. *Uses of matching grant moneys.*

(a) *Conformity to application.* Matching grant moneys awarded to an applicant shall be expended solely to reimburse up to 50% of the cost of the specific project described in the grant application.

(b) *Allowable expenditures of grant moneys.* Grant moneys shall be used for one or more of the following purposes described in the grant application:

(1) To pay the cost of the specific project described in the grant application.

(2) To pay the cost of a portion of a Pennsylvania nonprofit agricultural product promotion and marketing organization's contribution to a National or regional agricultural product promotion and marketing project.

(3) To pay the cost of programs conducted by an applicant to educate producers and consumers with respect to Pennsylvania agricultural products.

(4) To pay the cost of trade shows conducted or attended by an applicant, or other projects to facilitate the growth and development of export markets for Pennsylvania-produced agricultural products.

(c) *Prohibited expenditure of grant moneys.* Grant moneys may not be used to defray the costs of employing temporary or permanent personnel.

5. *Applications.*

(a) *Application required.* Interested Pennsylvania nonprofit agricultural product promotion and marketing organizations shall submit grant applications to the Department. An application shall include a detailed work plan and project budget.

(b) *Project commencement and completion dates.* An application shall designate July 1, 2020, or a later date, as the project start date and June 30, 2021, or earlier, as the project completion date. Program grant funds will not be awarded or paid for project activities that occur before the stated project start date or beyond the stated project completion date.

(c) *Electronic applications only.* Interested applicants must submit a complete electronic project proposal and grant application using the Department's Electronic Single Application web site at <https://www.esa.dced.state.pa.us/login.aspx?var=5>.

(d) *Application window.* Applications shall be submitted by 4:59 p.m. on Friday, February 19, 2021.

(e) *Additional documentation.* The Secretary may require that an applicant submit additional documentation to complete or verify an application. The additional documentation may include a letter, affidavit or other documentation:

(1) Verifying that an applicant is a Pennsylvania nonprofit agricultural product promotion and marketing organization.

(2) Verifying the activities and location of offices of an applicant.

(3) Confirming that the applicant for a matching grant has secured funds in an amount at least equal to the matching grant amount sought for the project.

6. *Review of application.*

(a) *Transmittal of application to Bureau.* When the Bureau receives a complete and accurate grant application, it will forward this application, together with supporting documentation submitted therewith, to the Secretary for review. The Bureau may also forward a recommendation as to whether the application should be approved or rejected, whether the grant should be in an amount less than requested and whether special restrictions or limitations should be placed on the grant.

(b) *Factors.* The Secretary will review and evaluate the application and supporting documentation and may consider the following factors, among others, in deciding whether to approve or reject the grant request:

(1) The relevance of the project to the promotion or marketing of Pennsylvania agricultural products.

(2) The innovativeness of the project described in the application.

(3) The scope of the project and the number of people who will be exposed to or affected by the project described in the application.

(4) The impact which the project will have upon the promotion and sales of the Pennsylvania agricultural products to which the project is targeted.

(5) The availability of full funding for the project from the applicant or from any source other than the Grant Program.

(6) The apparent ability of the applicant to complete the project as described in the application or, in the case of a grant to fund a National or regional agricultural product promotion or marketing project, the apparent ability of the entity with primary responsibility for the project to complete it.

(7) The overall performance of the project if the project had received funding through any other grant program administered by the Department in a previous fiscal year.

(8) Projects that are joint efforts between two or more Pennsylvania nonprofit agricultural product promotion and marketing organizations may be given preference over projects involving only one organization.

(9) Projects where reference to the Department as a source of funding can practicably be made in promotional materials or broadcasts, and that would make such a reference, may be given preference over projects that would not make such a reference.

(10) Whether the project has been assigned priority for funding in FY 2020-2021, as previously described in Paragraph No. 1(c).

(c) *Decisions.* The Secretary may approve a grant in an amount less than that requested in the grant application. In addition, the Secretary may impose restrictions or special conditions upon the issuance of a grant. The Secretary will review all recommendations of the Bureau but will have final authority to accept or reject these recommendations.

7. *Notice of disposition of application.*

The Department will email notice of the acceptance or rejection of a grant application by Monday, March 8, 2021. This notice will be by email to the address provided by the applicant in the grant application.

### 8. *Grant agreement.*

After the Secretary approves a grant application, and as a precondition to the Department's release of grant moneys to a successful applicant, the Department and the applicant will execute a written or electronic grant agreement which describes the terms and conditions subject to which the grant is made. The grant agreement shall contain and conform to the requirements of this notice and shall also contain special terms and conditions as required by the Secretary.

### 9. *Verification of project completion.*

(a) *General.* Within 30 days of completion of the subject project, the applicant shall provide the Department with proof of the completion of the project and eligibility to receive reimbursement grant funds from the Department.

(b) *Required documentation.* The proof described in subsection (a) shall consist of:

(1) copies of invoices for goods or services directly related to the project, confirming that the total billed amount is at least twice the amount of the grant, along with the written certification of the president or treasurer of the applicant that the goods or services that are the subject of the invoices have been delivered or provided to the applicant; and

(2) a certificate of completion, signed by its president or treasurer, verifying completion of the subject project and stating that the grant funds will reimburse the applicant for a portion of the costs incurred by the applicant in completing the subject project.

10. *Delivery of grant funds by the Department.* The Department will pay the grant amount to the applicant in a single payment within 45 days of receiving the proof of completion previously described in Paragraph No. 9.

11. *Questions and additional information.* Questions on this Program, including on the online application process, may be directed to Morgan Sheffield, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408, (717) 787-3568.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 21-81. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Malt and Brewed Beverage Industry Promotion Board; Grant Solicitation and Application Procedures for Act 39 of 2016 Funding

1. *Introduction.* Under Act 39 of 2016, the Pennsylvania Malt and Brewed Beverage Industry Promotion Board annually, or more frequently as the availability of funds permits, solicits proposals for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of malt and brewed beverages produced in this Commonwealth. The Board was established by section 446.1 of the Liquor Code (47 P.S. § 4-446.1). The Pennsylvania Malt and Brewed Beverage Industry Promotion Board makes rec-

ommendations for the awarding of grants by the Liquor Control Board from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001). This notice establishes the procedures by which grant applications will be solicited and reviewed, and grants awarded. Priority is being given to projects that will help support the Pennsylvania Beer Industry's recovery as it navigates and emerges from the novel coronavirus (COVID-19) pandemic. Applicants with projects aligned to COVID-19 recovery, with an outcome that would benefit Pennsylvania's wine and beer industries, and where the scope is warranted are encouraged to submit proposals to both the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for joint funding. Projects submitted jointly to both boards will be reviewed and must be approved by each board independently.

2. *Grant Solicitation.* The Pennsylvania Malt and Brewed Beverage Industry Promotion Board will be accepting grant applications for the purposes, in the form and according to the schedule set forth herein for not less than 30 days beginning on the date of publication of this notice in the *Pennsylvania Bulletin*. Additional publication and dissemination of this notice shall be made and may include direct dissemination to State universities and State-supported universities located in this Commonwealth, universities with colleges of agricultural science located in this Commonwealth and individuals or entities who have requested notification from the Department of Agriculture or the Pennsylvania Malt and Brewed Beverage Industry Promotion Board of grant availability. Private sector parties are encouraged to apply if their project will have a positive macro impact on the industry.

3. *Process Overview.* The Pennsylvania Malt and Brewed Beverage Industry Promotion Board will employ the review process described as follows to select projects and funding levels to recommend to the Liquor Control Board for the making of a grant. In the event of a recommendation to the Liquor Control Board to make and fund a grant, the decision as to whether to award a grant will be made by the Liquor Control Board.

a. If the Liquor Control Board approves the grant recommendation, the terms and conditions of the grant will be governed by a grant agreement between the Liquor Control Board and the applicant, which shall be tendered to the applicant for execution by the Liquor Control Board, returnable to the Liquor Control Board in no more than 30 calendar days.

b. The Liquor Control Board grant agreement follows hereto as Addendum 1 and incorporated by reference. This grant solicitation will be incorporated by reference into, and become part of, the Liquor Control Board grant agreement that will govern all grants awarded under this grant solicitation. The terms are nonnegotiable; therefore, applicants shall carefully review the Liquor Control Board grant agreement to ensure that proposed projects are compliant with agreement requirements. Applicants who submit proposals to both the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for joint funding will be required to enter into a separate agreement for funding from each board, with separate purchase orders for each funding source, and split invoices for reimbursement to reflect a 50/50 allocation of expenses to each funding source.

c. It is also recommended that applicants seek private counsel experienced in Pennsylvania liquor law to provide

guidance as it pertains to the Liquor Code and the Liquor Control Board's regulations at 40 Pa. Code §§ 1.1—17.41 (relating to liquor), to ensure the legality and viability of grant projects and proposed activities.

#### 4. *Concept Paper and Application Deadlines.*

a. *Concept Paper.* Interested applicants must deliver a one-page concept paper, plus a one-page budget, by e-mail, as a PDF file, by 4 p.m. on Friday, February 26, 2021, to RA-AGCommodities@pa.gov. The file should not exceed 5MB. The concept paper must identify timeframes for proposed grant activities in conformance with the timeframes identified in paragraph 9, Term of Grants, as well as Addendum 1.

b. *Application.* Applicants whose concept papers are approved by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board will be invited to submit a Project Proposal and Grant Application, in the form set forth in paragraph 6 of this notice, to the Pennsylvania Malt and Brewed Beverage Industry Promotion Board by 4 p.m. on Friday, June 4, 2021. Proposals should be sent electronically as a PDF file, to RA-AGCommodities@pa.gov. The file should not exceed 5MB.

c. *Presentations.* Applicants must be prepared to provide a brief 3-minute presentation of their proposal to the Pennsylvania Malt and Brewed Beverage Industry Promotion Board, and answer questions, either in person or by conference call, at the Pennsylvania Malt and Brewed Beverage Industry Promotion Board's next scheduled meeting on Wednesday, July 14, 2021, at 9 a.m. The meeting will be held virtually by means of Microsoft Teams.

5. *Format of the Concept Paper.* The concept paper shall include:

a. *Organization/Business Type.* List the applicant's full legal organization/business type.

b. *Organization/Business Information.* List the organization/business name along with the contact information and the amount of grant funds the entity is requesting. In the event of a Liquor Control Board grant award, applicants will be required to have or obtain a Liquor Control Board Oracle Supplier Registration number using the name, full street address and tax identification number that matches the applicant information presented in the proposal/grant application.

c. *Project Coordinator/Qualifications.* Identify the person who will be directing the proposed project and clearly state their qualifications.

d. *Organization History.* Indicate whether the organization has previously received Malt and Brewed Beverage Industry Promotion Board or agriculture-related grant funds.

e. *Area of Focus.* Select a funding priority from paragraph 13 of this notice. For purposes of Liquor Control Board grants, "Marketing" projects include advertising and promotions, educational/outreach projects, and technical support initiatives such as web site development, equipment or process development, while "Research" projects include agricultural and research and development efforts.

f. *Project Purpose.* In one or two paragraphs, clearly state the specific issue, problem, interest or need, and how the project will address it. Explain why the project is important and timely.

g. *Estimated Timeline.* State the estimated timeline for the proposed project. The timeline may not begin earlier than January 1, 2022, and may not extend beyond the term of the grant as set forth in more detail at paragraph 9.

h. *Expected Measurable Outcomes.* What are the goals and objectives of the project? How do the objectives support the goals? Goals are long-term broad visions and may take time to achieve. Objectives are significant steps that must be completed to achieve the goal. Objective statements should focus on the outcome, rather than the methods used. Each goal should have one or more objectives. Describe at least one distinct, quantifiable and measurable outcome that directly and meaningfully supports the project's purpose. Typically, outcomes are those measures that are quantifiable, measure direct benefit and are documented through data or information collection.

i. *Preliminary Project Work Plan.* List the major tasks of the proposed project.

j. *Draft Budget.* State the budget for the proposed project using the categories from paragraph 6.f. If a project is selected to submit a proposal, more detailed budget information will be required

6. *Format of the Project Proposal and Grant Application.* The project proposal and grant application cannot exceed 10 pages total for project and budget narratives, plus one additional page for the budget table and shall be formatted as follows:

a. A cover page, titled Pennsylvania Malt and Brewed Beverage Industry Promotion Board—Project Proposal and Grant Application, providing: the title of the proposed project; the full legal name and street address of the applicant; the name, address, telephone number and e-mail address of the applicant's principal contact person for matters relating to the application; the name, title, address, telephone number and e-mail address of the individual authorized to contractually bind the applicant to the grant agreement; and the total maximum grant amount sought for the proposed project or program.

b. Section 1, titled Statement of Purpose, addressing: the purpose for which the grant funds would be utilized; how the project links, supports and benefits beer in this Commonwealth; methodology and evaluation, addressing: the type of project (promotion, marketing, outreach, research, tech transfer, and the like); a qualitative or quantitative estimate of economic impacts (direct, indirect, induced); and the sectors of the industry that will receive this benefit.

c. Section 2, titled Statement of Need, addressing: the need for the grant funds sought; any other partners or partner organizations that will be involved with the project; and any other funding or noncash resources that will be committed to the project and the sources thereof.

d. Section 3, titled Linkage to Funding Priorities, addressing: how the project will support one of the funding priorities established by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board which are listed in paragraph 13; the geographic area of this Commonwealth where impact will occur; the intended impact created by the project and who will benefit.

e. Section 4, titled Evaluation and Reporting, shall identify expected outcomes and outcome measures and



include a narrative describing data collection to inform the outcome measures. This section must be clear and unambiguous as it will inform expectations of progress and final reports.

f. Section 5, titled Budget, presenting a detailed budget for the proposed project or program, including any other matching funds and the value of any noncash resources that will be included in the project. In the case of a proposal submitted jointly to the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board, the budget must reflect a 50/50 allocation of expenses to each program throughout.

For all applications, each and every item of direct expense to be incurred in the project shall be separately set forth, including all purchases of consumable or non-consumable goods or equipment, listing the disposition of all nonconsumable goods or equipment upon completion of the project; all travel by dates, purpose, destination, mode of transportation and rate; a full breakdown of other costs, if any, and the method used to calculate those costs.

i. *Personnel*—Includes employed personnel. Those employed elsewhere should be listed as subcontractors or consultants in the contractual cost category. Provide detail of all personnel by name devoted to the project, their professional qualifications, the amount of time calculated by hours and the tasks to be performed by each of the named personnel.

ii. *Fringe Benefits*—Provide the rate of fringe benefits for each project participant's salary. Identify the total for all funded fringe benefits.

iii. *Travel*—Calculate the costs for travel by considering destinations, number of trips, days traveling, transportation costs, estimated lodging and meal costs, and estimated mileage rate.

iv. *Supplies*—This could be anything from office supplies and software to education or field supplies.

v. *Contractual*—If contractual work will be involved with carrying out the work of the project, identify the total contractual expenses. When determining the total cost for this category, include the fees for the professional services, travel costs, lodging expenses, indirect costs and any other related contractual expenses.

vi. *Other*—This category includes fees for conferences or meetings, facility and equipment rental costs, lodging and meal expenses, communication costs, speaker fees, publication costs and data collection.

g. Section 6, titled Industry Support, addressing the extent of support, participation and funding from the Commonwealth's beer industry, including associations, organizations or agencies, or all three, with an interest in the project outcome. Any letters of support should be included in section 5.

h. Due to limitations of Commonwealth equipment and considering that all Liquor Control Board grant communications will be conducted electronically, applicants should not use color in any tables, graphs, charts or other material elements of the proposals. Black and white or gray-scale should be used in such elements to ensure ongoing document integrity.

7. *Scoring of Applications*. The Pennsylvania Malt and Brewed Beverage Industry Promotion Board will evaluate each complete and timely filed project proposal and grant application received in accordance with a 100-point scale as set forth in Addendum 2.

If any joint funding proposals are received per paragraph 1, the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board will each independently evaluate and score based on each board's criteria. For a recommendation for funding a joint proposal to be made to the Liquor Control Board, each board must independently approve the proposal for recommendation and then agree to joint funding with the other.

8. *Evaluation, Recommendations and Awards*. The Pennsylvania Malt and Brewed Beverage Industry Promotion Board reserves the right to request modifications or clarifications, or both, of project proposals and grant applications, including but not limited to additional detail of purpose, reduced or modified budgets, and the like. Upon completion of evaluations, the Pennsylvania Malt and Brewed Beverage Industry Promotion Board will prepare a record of each complete and timely-filed project proposal and grant application received, and the numerical score assigned to each. In the event of one or more recommendations to the Liquor Control Board to make and fund a grant, the Pennsylvania Malt and Brewed Beverage Industry Promotion Board will transmit to the Liquor Control Board the complete and final project proposal and grant application along with the score assigned by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board and any other information deemed relevant by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board or requested by the Liquor Control Board. Request will be made by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board that the Liquor Control Board respond to all recommendations for grant approval within 30 days. The Liquor Control Board's three-member board will vote on these recommendations at a public meeting, and the Liquor Control Board will directly contact those applicants whose proposals were approved for funding. The Liquor Control Board is responsible for notifying applicants whose projects were recommended by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for Liquor Control Board funding, but which the Liquor Control Board determined not to fund.

9. *Term of Grants*. Grant Agreements will become effective on January 1, 2022, or the date of the last required Commonwealth approval, whichever is later (Effective Date). No reimbursements will be made by the Liquor Control Board for any grant activity beginning prior to the Effective Date.

a. Research projects will have a term of 18 months. All other projects will have a term of 12 months.

b. A Notice to Proceed, Purchase Orders, fully executed agreements and invoicing instructions will be provided by the Liquor Control Board by means of e-mail.

c. Any jointly funded projects per paragraph 1 will require two separate grant agreements and two separate purchase orders with the Liquor Control Board, with funding split equally between Wine Marketing and Research funds and Malt and Brewed Beverage Industry Promotion funds. Grantees will be required to submit separate invoices for each funding stream, attributing half of each expenditure to each purchase order.

d. Final invoices shall be submitted to the Liquor Control Board within 60 days of contract end date as set forth in the Grant Agreement.

e. See Addendum 1 Grant Agreement for more details about the Liquor Control Board's grant administration practices.

10. *Progress Reports.* Progress reports are to include the deliverables from paragraph 6.e. and be delivered by e-mail to RA-AGCommodities@pa.gov and RA-LBACT39GRANTS@pa.gov no later than October 1, and April 1, every year for the duration of the project, or as requested by the Board. Final reports should be submitted within 90 days of contract end date.

11. *Grant Agreement.* The Liquor Control Board will provide applicants with a grant agreement for execution and return by the Grantee within 30 calendar days. The Liquor Control Board will obtain the required signatures on the grant agreements, including any other required Commonwealth entities, and return a copy to the applicant. Unless otherwise stated in the executed grant agreement, no grant agreement is effective, and work should not begin until all required signatures have been applied to the grant agreement. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Pennsylvania Malt and Brewed Beverage Industry Promotion Board full and complete access to all records relating to the performance of the project and submit information as the Pennsylvania Malt and Brewed Beverage Industry Promotion Board may require.

12. *Cost-Reimbursement Grant and Indirect Costs Cap.* Payment of all grant funds will occur on a reimbursement basis only. Grant awards may include an allowance for indirect costs of up to 10%. In the case of graduate student participation, reasonable stipends will be allowed, and tuition will not be allowed.

13. *Funding Priorities.* In accordance with paragraph 5.d., the Pennsylvania Malt and Brewed Beverage Industry Promotion Board has identified the following funding priorities, listed in no particular order. The name given to each priority area is not intended to limit the intended scope and creative thought applied by applicants in developing projects that serve the purposes articulated in this notice. Additionally, these priorities should be linked to the COVID-19 recovery priority outlined in the introduction in paragraph 1.

a. *Agriculture:* Projects are sought that will lead to the expansion, through means including cultivation, value-added manufacturing and research, of beer industry-related raw material produced or grown, or both in the Commonwealth. Some examples of desired project scope include:

i. Research and development that will increase the production, quality or yield, or both, of Pennsylvania-produced raw agricultural commodities (hops, barley, and the like) used by the beer industry.

ii. Research that will identify growing conditions for hop production and evaluate each of the Commonwealth's 67 counties on the criteria.

iii. Outreach and support to encourage existing agricultural producers to consider hop production.

iv. Matching funds for small Commonwealth-based start-up businesses or ventures focused on agricultural related cultivation (hops and barley) or value-added manufacturing of beer related raw materials (malting).

b. *Tourism:* Projects are sought from organizations interested in marketing and integrating the Commonwealth's beer industry into new or existing regional and Statewide tourism initiatives, such as:

i. Development of beer tourism and beer trails (using and expanding upon the "Bourbon Trails" model).

ii. Regional integration of breweries and brewery visitation with existing attractions, destinations and the regional hospitality industry.

c. *Distributor Licensee Outreach:* Projects are sought that will assist "D" license holders in efforts to change existing business models and remain viable, competitive and profitable within the parameters of the new Liquor Code, including providing consultation, training and business plan development to interested D licensees to assist them in transforming their business models. The proposer should illustrate the ability to:

i. Understand, interpret and transfer knowledge related to the current Liquor Code.

ii. Understand both the new opportunities as well as the threats presented to distributors as a result of 2016 changes to the Liquor Code.

iii. Have working knowledge of the beer industry trade and practices, the constraints on the industry, Standard Operating Procedures, financial models, and the like.

iv. Identify and document best practices within the Commonwealth's beer industry (D license holders) regarding layout and design (shelf space, lighting, signage), hours of operation and staff models, promotions and displays, value added merchandise, and best practices in urban, suburban and rural markets.

v. In conjunction with existing industry stakeholders, like the Malt Beverage Distributors Association (MBDA), develop guidelines, standards and communicate best practices in a user-friendly format, as well as offer training and outreach conferences in appropriate locations throughout this Commonwealth.

vi. In conjunction with existing industry stakeholders like the MBDA, the project may include efforts to create special grants or business loans made available to retailers to implement new business models.

d. *Beer Industry Research:* The Pennsylvania Malt and Brewed Beverage Industry Promotion Board seeks research and the development of quantitative data on the beer industry in this Commonwealth, such as:

i. Research that will identify and map the size and impacts of the Commonwealth's macro beer industry (production, wholesale and retail) identifying direct, indirect, induced impacts.

ii. Research that will identify the upstream and downstream economic opportunities related to the Commonwealth's beer industry.

iii. Research that can measure the economic impacts on the Commonwealth's beer industry of 2016 changes to the Liquor Code.

iv. Research that will offer guidance on public policy and best practices to benefit the beer industry in this Commonwealth and improve regulatory efficiency.

e. *Technical Assistance, Support, and Research and Development:* Projects are sought that will advance best

practices, technology transfer, research and development, workforce development and training in the Commonwealth's brewing industry. The Pennsylvania Malt and Brewed Beverage Industry Promotion Board is interested in funding projects that will: increase beer knowledge/science; advance best practices in brewing; provide education/training opportunities related to beer production, quality, packaging, marketing and sales; and promote innovation in the brewing and manufacturing processes. Examples could include:

i. Engagement of consultants, speakers and subject matter experts for industry related training, presentations or problem solving in conjunction with conferences, technical work groups and association members.

ii. Research and development projects on relevant topics concerning brewing and manufacturing processes.

iii. Customized training/education in areas related to: differing levels of brewery, wholesale and retail management; sales and marketing; brewery—wholesaler relationships; beer market best practices; and industry recognized certifications.

f. *Innovation*: The Pennsylvania Malt and Brewed Beverage Industry Promotion Board will consider projects that do not fall into any of the other funding priorities but nevertheless offer unique approaches to supporting and promoting Pennsylvania beer. The Pennsylvania Malt and Brewed Beverage Industry Promotion Board believes that innovation is the driving force behind the growth and success of the Commonwealth's beer industry. This category of funding is designed for projects and initiatives that demonstrate new thinking, ideas and approaches to promoting Pennsylvania beer—and do not fit into any other category.

RUSSELL C. REDDING,  
*Secretary*

#### Addendum 1

### LIQUOR CONTROL BOARD GRANT AGREEMENT

#### GRANT AGREEMENT PURSUANT TO 47 P.S. § 4-446.1

This Grant Agreement is entered into by and between the Pennsylvania Liquor Control Board, 312 Northwest Office Building, Harrisburg PA 17124 (hereinafter referred to as "PLCB" or "Grantor"), and \_\_\_\_\_, (hereinafter referred to as "Grantee") (collectively, "the Parties").

#### I. RECITALS

1. Pursuant to section 446.1 of the Pennsylvania Liquor Code, 47 P.S. § 4-446.1, the PLCB shall allocate the amount of \$1,000,000 annually to be used to award grants to entities for the purpose of increasing the production of Pennsylvania-made malt and brewed beverages and enhancing the Pennsylvania malt and brewed beverages industry through promotion, marketing and research-based programs and projects.

2. The Pennsylvania Malt and Brewed Beverages Industry Promotion Board ("Beer Board") was established by the Pennsylvania Liquor Code and is statutorily charged with establishing procedures by which an entity may submit an application for grant funding pursuant to 47 P.S. § 4-446.0; reviewing all such grant applications; and making recommendations to the PLCB for the awarding of the grants.

The Beer Board is further statutorily charged with requiring grant recipients to provide full and complete access to all records relating to the performance of the grant; conducting a thorough annual evaluation of each program for which a grant is made; and submitting an annual report to the General Assembly detailing all actions of the Beer Board and the grants awarded pursuant to section 446.1 of the Liquor Code.

3. The PLCB has made the aforementioned allocation; the Beer Board has established the requisite procedures and process; the Beer Board has issued a competitive grant solicitation as posted on [Date] at [\_\_\_ PaB. \_\_\_], incorporated by reference herein, and the Grantee has applied for a grant pursuant thereto; the Beer Board has recommended to the PLCB to make a grant to the Grantee as detailed in Appendix G, attached and incorporated by reference; and the PLCB has approved the award of the grant ("the Grant").

#### II. AGREEMENT

In consideration of the foregoing recitals, which are incorporated herein, and the mutual promises contained in this Grant Agreement, the Parties, intending to be legally bound, agree as follows:

##### 1. SCOPE.

a. This Grant is for funding the Project Proposal and Grant Application ("the Project") summarily described as follows and in more detail in the documents attached hereto and incorporated herein as Attachment G.

b. No increases to the funding amount or changes to the approved overall scope of work will be permitted under any circumstance; however, minor revisions to the Project timeline, methodology and/or budget(s) contained in Attachment G may be approved by the PLCB at its sole discretion upon review of Grantee's written request and justification for same. Similarly, at the PLCB's sole discretion and in consideration of exigent circumstances, the PLCB may authorize changes to specific elements of an approved scope of work. By way of example only, if certain approved grant elements cannot be performed due to governmental restrictions related to a pandemic (e.g., in-person event), then Grantee may propose modifications to those elements (e.g., shift to virtual event), limited to what is reasonably necessary to achieve the approved project objectives and deliverables and within the original approved budget. Grantee shall submit all such requests via email to the PLCB's resource account at RA-LBAct39Grants@pa.gov ("the Resource Account"), and the PLCB will respond to the request via the same Resource Account within ten calendar days of its receipt of the request.

##### 2. OPERATIONAL REQUIREMENTS

a. All communications between the Grantee and the PLCB, including but not limited to questions, notifications, requests, and invoice submissions, shall be conducted via email to and from the PLCB's aforementioned Resource Account. Grantee expressly accepts this method of electronic communication and is responsible to timely provide notice to the PLCB via the Resource Account if there are any changes or additions to the Grantee's contact information. The PLCB will utilize best efforts to respond to all inquiries from Grantee within five business days of receipt of an email, except as otherwise provided herein.

b. In order to be issued an approved Purchase Order and to receive Grant funds, if the Grantee does not have a valid PLCB Oracle Supplier Registration Number (which is different than other Commonwealth supplier/vendor numbers), Grantee is required to register with the PLCB's Supplier Unit using the following linked form which includes instructions: <https://www.lcb.pa.gov/JoinOurTeam/Documents/001698.pdf>.

### 3. EFFECTIVE DATE AND TERM

a. This Grant Agreement shall become effective on January 1, 2022 or on the date of the last required Commonwealth signature, whichever is later (the "Effective Date"). The Grant Activity Period, defined as the period of performance for which the Grantee can be reimbursed for activity performed in accordance with the Grant, shall be twelve months from the Effective Date for marketing, educational and/or promotions-related projects and eighteen months from the Effective Date for research projects. The Effective Date and the Grant Activity Period will be set forth with specificity on the Notice to Proceed letter and the PLCB Purchase Order, which will be sent to Grantee via the Resource Account with the fully executed Grant Agreement.

b. No later than sixty days prior to the expiration of the Grant Activity Period, Grantee may electronically submit a request to the PLCB via the Resource Account to extend the Grant Activity Period in order to complete the Project without increasing the Grant funding. At its sole discretion and by issuance of a written notice to extend by the PLCB, the PLCB may extend the Grant Activity Period for no more than ninety days. This written notice of an approved extension will be emailed to the Grantee via the Resource Account within ten calendar days of the PLCB's receipt of a compliant request. Except in the case of exigent circumstances as determined by the PLCB at its sole discretion, no additional extensions will be approved, although Grantee is not precluded from applying for a subsequent grant.

**4. REIMBURSEMENT.** The PLCB agrees to reimburse Grantee in the amount not to exceed \$ \_\_\_\_\_ for the purpose of completing the Project in accordance with the terms of this Grant Agreement. Payments hereunder may be made electronically through the Pennsylvania Electronic Payment Program, details of which are set forth and incorporated herein as Attachment A hereto. Under no circumstances will the PLCB reimburse the Grantee for any expenses incurred before the Effective Date or after the expiration date of the Grant.

**5. CONTRIBUTION.** The Grantee agrees to contribute and/or secure any additional necessary funds required to complete the Project, if any, in accordance with the terms of Attachment G.

### 6. PERMITTED EXPENDITURE.

a. Reimbursement funds provided by the PLCB shall be used for only those expenses outlined in this Grant Agreement, including its Attachments. The Grantee shall not purchase equipment of any type or kind under the terms of this Grant Agreement unless mandated by the nature of the work and explicitly approved by the PLCB in this Grant Agreement.

b. The Grantee expressly warrants that it shall request reimbursement of expenses solely allowable by the Grant

Agreement. Should the PLCB determine that the Grantee is not using Grant funds exclusively in conformance with the Grant Agreement, the PLCB shall have the absolute right, in addition to any other rights provided herein or by law, to terminate this Grant Agreement and to demand the repayment/return of Grant funds. Failure of Grantee to repay/return such funds within ten business days of the PLCB's written demand, sent electronically via the Resource Account, will result in referral of the matter to the Office of the Attorney General for investigation and possible prosecution.

### 7. INVOICING, RECORDS, REPORTS.

a. All payments of Grant funds hereunder shall be made on a reimbursement basis only and as set forth in the approved project budget in Attachment G. Invoices for expenses incurred shall be in accordance with Paragraph 6.

b. Grantee must electronically submit detailed reimbursement invoices to the Resource Account. The invoices must clearly indicate the PLCB Purchase Order number, the payee for each item, the total paid to that payee for each budget line item type for approved grant activities for the quarterly invoice period, a brief description of the expense item, and the date such payment was issued. The PLCB expects that Grantee will include reasonable supporting documentation of these expenses as every reimbursement invoice is compared to the approved grant agreement package, which includes the final proposal documents, to ensure that the expenses were within the approved project scope, timeline and budget.

c. These invoices are to be submitted within thirty days of the end of each quarter during the Grant Activity Period for work performed and expenses paid during that quarter. If there was no work performed or expenses paid during a given quarter of the Grant Activity Period, Grantee is to communicate that fact via email to the Resource Account within thirty days of the end of that quarter. The PLCB shall reject any invoices received more than sixty days following the end of the Grant Activity Period and Grantee shall have no claim against the PLCB or the Commonwealth for same.

d. In the event that a reimbursement invoice as submitted does not permit the PLCB to adequately discern the appropriateness of the reimbursement request, then the Grantee will receive a request via the Resource Account for additional supporting documentation to substantiate the invoice submitted and the funds expended. Grantee will have ten calendar days to respond to the Resource Account.

e. Grantee is required to file timely progress reports to the Beer Board at [RA-AGCommodities@pa.gov](mailto:RA-AGCommodities@pa.gov), including but not limited to a final report. Grantee should copy the PLCB's Resource Account at [RA-LBAct39Grants@pa.gov](mailto:RA-LBAct39Grants@pa.gov) when submitting progress reports to the Beer Board. The PLCB reserves the right to withhold payment otherwise due under the terms of this Grant Agreement for Grantee's failure to submit reports to the Beer Board, until the Beer Board advises the PLCB that such reports have been submitted. The Grantee is responsible for ensuring that its required reports are timely submitted directly to the Beer Board and acknowledges that the PLCB has no involvement in the Beer Board's statutory reporting requirements.

f. Records of all expenditures shall be maintained for a period of two years after expiration of the term of this

Grant Agreement and shall be subject to audit by the PLCB and legally authorized officials of the Commonwealth of Pennsylvania. The Grantee shall provide the PLCB and the Commonwealth full and complete access to all records relating to the performance of any and all work hereunder and shall submit truthful and accurate information about the work performed hereunder if, and as, requested by the PLCB and/or the Commonwealth.

**8. HOLD HARMLESS.** The Grantee shall indemnify, hold harmless and defend the PLCB and the Commonwealth of Pennsylvania and their officers, employees and agents from and against any and all suits and judgments for damages for personal injury, death or damage to real or tangible personal property arising out of or in conjunction with the performance by the Grantee under this Grant Agreement and caused by the Grantee's negligence or intentional wrongful acts. This paragraph does not apply when the Grantee is a Commonwealth Agency, including but not limited to state-affiliated entities or state-related institutions.

### 9. ADDITIONAL COMPLIANCE REQUIREMENTS

a. The following additional compliance requirements are attached and incorporated into this Grant Agreement and made a part hereof. The Grantee shall comply with, and be bound by, the provisions set forth in these attachments:

i. Attachment A—Pennsylvania Electronic Payment Program

ii. Attachment B—Nondiscrimination/Sexual Harassment Clause, with respect to which the Grantee is the "Contractor."

iii. Attachment C—Contractor Integrity Provisions, with respect to which the Grantee is the "Contractor."

iv. Attachment D—The Americans With Disabilities Act provisions, with respect to which the Grantee is the "Contractor."

v. Attachment E—Right-to-Know Provisions, with respect to which the Grantee is the "Contractor."

vi. Attachment F—Contractor Responsibility Provisions, with respect to which the Grantee is the "Contractor."

b. The Grantee shall comply with all the terms, conditions and requirements set forth in the competitive grant solicitation posted on [Date] at [\_\_\_\_ PaB. \_\_\_\_], which is incorporated by reference into this Grant Agreement as if fully set forth herein.

c. The Grantee agrees that in the performance of its obligations under this Grant Agreement it will comply with all applicable, federal, state and local laws and regulations. The Grantee expressly warrants that, as it relates to the performance of the Project that is the subject of this Grant Agreement, it shall at all times comply with the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., and the PLCB's Regulations, 40 Pa. Code § 1.1 et seq.

d. Any forbearance by the PLCB in exercising any right or remedy hereunder or as otherwise afforded by applicable law shall not be a waiver of or preclude the exercise of any such right or remedy at any appropriate time.

e. The Grantee shall, in the performance of this Grant Agreement, act in an independent capacity and not as an officer, employee or agent of the PLCB or of the Commonwealth of Pennsylvania.

**10. STATE TAX LIABILITY.** The Grantee agrees that the Commonwealth of Pennsylvania may set-off the amount of any state tax liability or other debt of the Grantee or its subsidiaries, that is owed to the Commonwealth and not being contested on appeal, against any payments due the Grantee under this Grant Agreement.

**11. TERMINATION AND ASSIGNMENT.** If through any cause, the Grantee shall fail to fulfill in a timely and proper manner its obligations under this Grant Agreement, or in the event of violation of any of the covenants contained in this Grant Agreement, the PLCB thereupon has the right to terminate this Grant Agreement by giving thirty days written notice to the Grantee specifying the effective date of termination. If this Grant Agreement is so terminated, the Grantee shall be reimbursed for all expenses properly incurred under the terms of this Grant Agreement prior to receipt of notice, so long as Grantee properly submits valid invoices with supporting documentation within sixty days of the notice of termination. Failure by Grantee to timely submit final invoicing shall be considered a forfeiture of any claims to Grant funding. The Grantee shall not assign any interest to this Contract, nor shall any interest be transferred by novation or assignment without prior written consent of PLCB.

**12. SEVERABILITY.** The terms and provisions of this Grant Agreement are severable. In the event of the unenforceability or invalidity of any one or more of the terms, covenants, conditions or provisions of this Grant Agreement under federal, state or other applicable laws, such unenforceability or invalidity shall not render any other term, covenant, condition or provision hereof unenforceable or invalid.

**13. ENTIRE AGREEMENT.** This Grant Agreement constitutes the entire agreement between the parties. No amendment or modification hereof shall have any force or effect unless it is in writing and signed by all parties.

**14. CONTINGENCY.** The PLCB's obligation to make payments shall be subject to the availability and appropriation of funds.

**15. APPLICABLE LAW.** This Grant Agreement shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any conflict of laws provisions) and the decisions of the Pennsylvania courts. The Grantee consents to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The Grantee agrees that any such court shall have in personam jurisdiction over it, and consents to service of process in any manner authorized by Pennsylvania law.

**16. HEADINGS.** All headings of the sections and subsections of this Agreement are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

**IN WITNESS WHEREOF,** the Parties hereto, with the intention of being legally bound hereby and each signatory having the requisite legal authority to bind its respective entity, have caused this Grant Agreement to be duly executed. If the signature below is submitted electronically or digitally, the signatory hereby expressly acknowledges and avers that he or she is the named individual and that he or she intends to sign this Grant Agreement document electronically or digitally.

## [GRANTEE]

NAME:  
Title:

**PENNSYLVANIA LIQUOR CONTROL BOARD**

Michael Demko, Executive Director

**APPROVED AS TO FORM AND LEGALITY:**

Rodrigo J. Diaz, PLCB CHIEF COUNSEL

OFFICE OF THE ATTORNEY GENERAL DATE

APPROVED:

COMPTROLLER

**Attachment A****PENNSYLVANIA ELECTRONIC PAYMENT PROGRAM**

a. The commonwealth may make contract payments through ACH, upon your election. If you so elect, within 10 days of the Grant award, the recipient must submit or must have already submitted its ACH and electronic addenda information, if desired, to the commonwealth's Payable Service Center, Vendor Data Management Unit at 717-214-0140 (FAX) or by mail to the Office of Comptroller Operations, Bureau of Payable Services, Payable Service Center, Vendor Data Management Unit, 555 Walnut Street—9th Floor, Harrisburg, PA 17101. Electronic PEPP enrollment form is available at [www.vendorregistration.state.pa.us/cvmu/paper/Forms/ACH-EFTenrollmentform.pdf](http://www.vendorregistration.state.pa.us/cvmu/paper/Forms/ACH-EFTenrollmentform.pdf)

b. The recipient must submit a unique invoice number with each invoice submitted. The unique invoice number will be listed on the Commonwealth of Pennsylvania's ACH remittance advice to enable the recipient to properly apply the state agency's payment to the respective invoice or program.

c. It is the responsibility of the recipient to ensure that the ACH information contained in the commonwealth's central vendor master file is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.

**Attachment B****NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE (Grants)**

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the Grant Agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act (PHRA) and appli-

cable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any of its employees.

3. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the Grant agreement, subgrant agreement, contract or subcontract.

4. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the Public Employee Relations Act, Pennsylvania Labor Relations Act or National Labor Relations Act, as applicable and to the extent determined by entities charged with such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.

5. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily accessible and well-lighted places customarily frequented by employees and at or near where the Grant services are performed shall satisfy this requirement for employees with an established work site.

6. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the Grant relates.

7. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to Title VII of the Civil Rights Act of 1964, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of

Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

8. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

9. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

10. The Commonwealth may cancel or terminate the Grant agreement and all money due or to become due under the Grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

### Attachment C

#### CONTRACTOR INTEGRITY PROVISIONS

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

1. DEFINITIONS. For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

a. "Affiliate" means two or more entities where (a) a parent entity owns more than fifty percent of the voting stock of each of the entities; or (b) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or (c) the entities have a common proprietor or general partner.

b. "Consent" means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.

c. "Contractor" means the individual or entity, that has entered into this contract with the Commonwealth.

d. "Contractor Related Parties" means any affiliates of the Contractor and the Contractor's executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

e. "Financial Interest" means either:

(1) Ownership of more than a five percent interest in any business; or

(2) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

f. "Gratuity" means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor's Code of Conduct, Executive Order 1980-18, the 4 Pa. Code § 7.153(b), shall apply.

g. "Non-bid Basis" means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

2. In furtherance of this policy, Contractor agrees to the following:

a. Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.

b. Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity Provisions conspicuously in easily accessible and well-lit places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

c. Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.

d. Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

e. Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:

(1) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;

(2) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;

(3) had any business license or professional license suspended or revoked;

(4) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to

fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and

(5) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the Commonwealth in writing if at any time during the term of the contract it becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual circumstances or were false or should have been known to be false when entering into the contract.

f. Contractor shall comply with the requirements of the Lobbying Disclosure Act (65 Pa.C.S. § 13A01 et seq.) regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the Section 1641 of the Pennsylvania Election Code (25 P.S. § 3260a).

g. When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.

h. Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

i. Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor,

upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third-party beneficiaries shall be created thereby.

j. For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

#### **Attachment D**

##### **AMERICANS WITH DISABILITIES ACT**

a. Pursuant to federal regulations promulgated under the authority of The Americans with Disabilities Act, 28 C.F.R. § 35.101 et seq., the contractor understands and agrees that it shall not cause any person with a disability to be excluded from participation in this Contract or from activities provided for under this Contract on the basis of the disability. As a condition of accepting this contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C.F.R. § 35.130, and all other regulations promulgated under Title II of The Americans with Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.

b. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of subparagraph (a) above.

#### **Attachment E**

##### **RIGHT TO KNOW LAW—GRANT PROVISIONS—8-K-1580**

a. Grantee or Subgrantee understands that this Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the granting Commonwealth agency.



b. If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee or Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

c. Upon written notification from the Commonwealth that it requires Grantee's or Subgrantee's assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee's or Subgrantee's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), Grantee or Subgrantee shall:

1. Provide the commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in Grantee's or Subgrantee's possession arising out of this Grant Agreement that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and

2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Grant Agreement.

d. If Grantee or Subgrantee considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

e. The Commonwealth will rely upon the written statement from Grantee or Subgrantee in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the commonwealth determine that the Requested Information is clearly not exempt from disclosure, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notice of the Commonwealth's determination.

f. If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth.

g. The Commonwealth will reimburse Grantee or Subgrantee for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

h. Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for

any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

i. The Grantee's or Subgrantee's duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

## Attachment F

### Contractor Responsibility Provisions

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, Grantee or lessor, who has furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term contractor includes a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

1. The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.

2. The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.

3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred

by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may obtain a current list of suspended and debarred Commonwealth contractors by either searching the Internet at <http://www.dgs.state.pa.us/> or contacting the:

Department of General Services  
Office of Chief Counsel  
603 North Office Building  
Harrisburg, PA 17125  
Telephone No: (717) 783-6472  
FAX No: (717) 787-9138

### Addendum 2

#### BOARD GRANT SCORING CRITERIA & SCALE

<i>Section Title</i>	<i>Evaluation Criteria</i>	<i>Points</i>
Feasibility	<ul style="list-style-type: none"> <li>To what extent can the Purpose be accomplished with the funds requested?</li> <li>Is there enough non-cash capacity to fulfill the objectives of the project?</li> <li>Are the proposed outcomes and impacts in proportion to the grant request?</li> <li>Can the project be completed within the timeline established?</li> <li>Are the outcomes proposed realistic?</li> </ul>	10
Linkages to PA's Beer Industry	<ul style="list-style-type: none"> <li>Is there a compelling link to PA's Beer Industry?</li> <li>How quickly will the industry benefit from project outcomes?</li> </ul>	10
Innovation	<ul style="list-style-type: none"> <li>Does the proposal offer a "new approach" in supporting PA Beer?</li> <li>Will the project offer or create any new competitive advantages?</li> <li>Do the project outcomes offer new and unique benefits to the industry?</li> <li>What components of the project are sustainable once completed?</li> </ul>	20
Expected Impacts & Outcomes	<ul style="list-style-type: none"> <li>Will the project raise the visibility of PA Beer?</li> <li>Will the impacts and outcomes offer long-term benefits?</li> <li>Do they provide solutions to current industry challenges?</li> <li>How will the impacts and outcomes ultimately strengthen PA's beer industry?</li> <li>How much of the industry will benefit from the project?</li> </ul>	20
Economic Benefits Generated	<ul style="list-style-type: none"> <li>Does the project create jobs?</li> <li>Does the project save money for the industry?</li> <li>Will it strengthen the economic viability of the industry and how?</li> <li>Does the project support and promote intrastate and/or interstate tourism?</li> </ul>	20
Methodology & Evaluation	<ul style="list-style-type: none"> <li>Can the methodology produce the desired outcomes?</li> <li>Does the evaluation component measure the right outcomes?</li> <li>Can the methodology produce stated economic benefits and can the evaluation accurately measure so benefits?</li> </ul>	10
Industry Support	<ul style="list-style-type: none"> <li>Is there strong industry support for this project?</li> <li>Are there any matching funds or leveraged resources?</li> </ul>	10

[Pa.B. Doc. No. 21-82. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Wine Marketing and Research Board; Grant Solicitation and Application Procedures for Act 39 of 2016 Funding

1. *Introduction.* The Pennsylvania Wine Marketing and Research Program Board annually, or more frequently as the availability of fund permits, solicits applications for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of wines, enhance the wine industry and benefit wine producers of this Commonwealth. The Pennsylvania Wine Marketing and Research Program Board was established by the Department of Agriculture (Department) under 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act) (ACMA). Its composition, funding and duties were subsequently expanded by section 488.1 of the Liquor Code (47 P.S. § 4-488.1). The Pennsylvania Wine Marketing and Research Program

Board makes recommendations for the awarding of grants by the Liquor Control Board from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001) for Liquor Control Board Act 39 of 2016 funding. This notice establishes the procedures by which grant applications will be solicited, reviewed and grants awarded. Priority is being given to projects that will help support the Pennsylvania Wine Industry's recovery as it navigates and emerges from the novel coronavirus (COVID-19) pandemic. Applicants with projects aligned to COVID-19 recovery, with an outcome that would benefit Pennsylvania's wine and beer industries, and where the scope is warranted are encouraged to submit proposals to both the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for joint funding. Projects submitted jointly to both boards will be reviewed and must be approved by each board independently.

2. *Grant Solicitation.* The Pennsylvania Wine Marketing and Research Program Board will be accepting grant applications for the purposes, in the form and according

to the schedule set forth herein for not less than 30 days beginning on the date of publication of this notice in the *Pennsylvania Bulletin*. Additional publication and dissemination of this notice shall be made and may include direct dissemination to State universities and State-supported universities located in this Commonwealth, universities with colleges of agricultural science located in this Commonwealth and individuals or entities who have requested notification from the Department of Agriculture or the Pennsylvania Wine Marketing and Research Program Board of grant availability.

3. *Process Overview*. The Pennsylvania Wine Marketing and Research Program Board will employ the review process described as follows to select projects and funding levels to recommend to the Liquor Control Board for the making of a grant. In the event of a recommendation to the Liquor Control Board to make and fund a grant, the decision as to whether to award a grant will be made by the Liquor Control Board.

a. If the Liquor Control Board approves the grant recommendation, the terms and conditions of the grant will be governed by a grant agreement between the Liquor Control Board and the applicant, which shall be tendered to the applicant for execution by the Liquor Control Board, returnable to the Liquor Control Board in no more than 30 calendar days.

b. The Liquor Control Board grant agreement follows hereto as Addendum 1 and incorporated by reference. This grant solicitation will be incorporated by reference into, and become part of, the Liquor Control Board grant agreement that will govern all grants awarded under this grant solicitation. The terms are non-negotiable; therefore, applicants shall carefully review the Liquor Control Board grant agreement to ensure that proposed projects are compliant with agreement requirements. Applicants who submit proposals to both the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for joint funding will be required to enter into a separate agreement for funding from each board, with separate purchase orders for each funding source, and split invoices for reimbursement to reflect a 50/50 allocation of expenses to each funding source.

c. It is also recommended that applicants seek private counsel experienced in Pennsylvania liquor law to provide guidance as it pertains to the Liquor Code and the Liquor Control Board's regulations at 40 Pa. Code §§ 1.1—17.41 (relating to liquor), to ensure the legality and viability of grant projects and proposed activities.

#### 4. *Concept Paper and Application Deadlines*.

a. *Concept Paper*. Interested applicants must deliver a one-page concept paper, plus a one-page budget, by e-mail, as a PDF file, by 4 p.m. on Friday, February 26, 2021, to RA-AGCommodities@pa.gov. The file should not exceed 5MB. The concept paper must identify timeframes for proposed grant activities in conformance with the timeframes identified in paragraph 9, *Term of Grants*, as well as Addendum 1.

b. *Application*. Applicants whose concept papers are approved by the Pennsylvania Wine Marketing and Research Program Board will be invited to submit a Project Proposal and Grant Application, in the form set forth in paragraph 6 of this notice, to the Pennsylvania Wine Marketing and Research Program Board by 4 p.m. on Friday, June 4, 2021. Proposals should be sent electronically as a PDF file, to RA-AGCommodities@pa.gov. The file should not exceed 5MB.

c. *Presentations*. Applicants must be prepared to provide a brief 3-minute presentation of their proposal to the Pennsylvania Wine Marketing and Research Program Board, and answer questions, either in person or by conference call, at the Pennsylvania Wine Marketing and Research Program Board's next scheduled meeting on Tuesday, June 29, 2021, at 10 a.m. The meeting will be held virtually by means of Microsoft Teams.

5. *Format of the Concept Paper*. The concept paper shall include:

a. *Organization/Business Type*. List the applicant's full legal organization/business type.

b. *Organization/Business Information*. List the organization/business name along with the contact information and the amount of grant funds the entity is requesting. In the event of a Liquor Control Board grant award, applicants will be required to have or obtain a Liquor Control Board Oracle Supplier Registration number using the name, full street address and tax identification number that matches the applicant information presented in the proposal/grant application.

c. *Project Coordinator/Qualifications*. Identify the person who will be directing the proposed project and clearly state their qualifications.

d. *Organization History*. Indicate whether the organization has previously received Malt and Brewed Beverage Industry Promotion Board or agriculture-related grant funds.

e. *Area of Focus*. Select a funding priority from paragraph 13 of this notice. For purposes of Liquor Control Board grants, "Marketing" projects include advertising and promotions, educational/outreach projects, and technical support initiatives such as website development, equipment or process development, while "Research" projects include agricultural and research and development efforts.

f. *Project Purpose*. In one or two paragraphs, clearly state the specific issue, problem, interest or need, and how the project will address it. Explain why the project is important and timely.

g. *Estimated Timeline*. State the estimated timeline for the proposed project. The timeline may not begin earlier than January 1, 2022, and may not extend beyond the term of the grant as set forth in more detail at paragraph 9.

h. *Expected Measurable Outcomes*. What are the goals and objectives of the project? How do the objectives support the goals? Goals are long-term broad visions and may take time to achieve. Objectives are significant steps that must be completed to achieve the goal. Objective statements should focus on the outcome, rather than the methods used. Each goal should have one or more objectives. Describe at least one distinct, quantifiable and measurable outcome that directly and meaningfully supports the project's purpose. Typically, outcomes are those measures that are quantifiable, measure direct benefit and are documented through data or information collection.

i. *Preliminary Project Work Plan*. List the major tasks of the proposed project.

j. *Draft Budget*. State the budget for the proposed project using the categories from paragraph 6.f. If a project is selected to submit a proposal, more detailed budget information will be required.

6. *Format of the Project Proposal and Grant Application.* The project proposal and grant application cannot exceed 10 pages total for project and budget narratives, plus one additional page for the budget table and shall be formatted as follows:

a. A cover page, titled Pennsylvania Wine Marketing and Research Program—Project Proposal and Grant Application, providing: the title of the proposed project; the full legal name and street address of the applicant; the name, address, telephone number and e-mail address of the applicant's principal contact person for matters relating to the application; the name, title, address, telephone number and e-mail address of the individual authorized to contractually bind the applicant to the grant agreement; and the total maximum grant amount sought for the proposed project or program.

b. Section 1, titled Statement of Purpose, explaining or presenting: the purpose for which the grant funds would be utilized and identifying methods for measuring and reporting outcomes; details of the proposed project, including a statement of expected impact of outcomes, staffing for the project, and objectives and methodologies; and whether, how and to what anticipated extent, the proposed marketing or research project increases the quality, profitability, production and sale of wines, enhances the wine industry and benefits wine producers of this Commonwealth.

c. Section 2, titled Statement of Need, addressing: the need for the grant funds sought; any other partners or partner organizations that will be involved with the project; and any other funding or noncash resources that will be committed to the project and the sources thereof.

d. Section 3, titled Evaluation and Reporting, shall identify expected outcomes and outcome measures and include a narrative describing data collection to inform the outcome measures. This section must be clear and unambiguous as it will inform expectations of progress and final reports.

e. Section 4, titled Budget, presenting a detailed budget for the proposed project or program, including any other matching funds and the value of any noncash resources that will be included in the project. In the case of a proposal submitted jointly to the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board, the budget must reflect a 50/50 allocation of expenses to each program throughout.

For all applications, each and every item of direct expense to be incurred in the project shall be separately set forth, including all purchases of consumable or non-consumable goods or equipment, listing the disposition of all nonconsumable goods or equipment upon completion of the project; all travel by dates, purpose, destination, mode of transportation and rate; a full breakdown of other costs, if any, and the method used to calculate those costs. See also paragraph 11.

i. *Personnel*—Includes employed personnel. Those employed elsewhere should be listed as subcontractors or consultants in the contractual cost category. Provide detail of all personnel by name devoted to the project, their professional qualifications, the amount of time calculated by hours and the tasks to be performed by each of the named personnel.

ii. *Fringe Benefits*—Provide the rate of fringe benefits for each project participant's salary. Identify the total for all funded fringe benefits.

iii. *Travel*—Calculate the costs for travel by considering destinations, number of trips, days traveling, transportation costs, estimated lodging and meal costs, and estimated mileage rate.

iv. *Supplies*—This could be anything from office supplies and software to education or field supplies.

v. *Contractual*—If contractual work will be involved with carrying out the work of the project, identify the total contractual expenses. When determining the total cost for this category, include the fees for the professional services, travel costs, lodging expenses, indirect costs as provided in paragraph 11, and any other related contractual expenses.

vi. *Other*—This category includes fees for conferences or meetings, facility and equipment rental costs, lodging and meal expenses, communication costs, speaker fees, publication costs and data collection.

f. Section 5, titled Industry Support, describing the extent of any support, participation and funding from this Commonwealth's wine industry, including any written confirmation of that support, participation or funding.

g. Due to limitations of Commonwealth equipment and considering that all Liquor Control Board grant communications will be conducted electronically, applicants should not use color in any tables, graphs, charts or other material elements of the proposals. Black and white or gray-scale should be used in such elements to ensure ongoing document integrity.

7. *Scoring of Applications.* The Pennsylvania Wine Marketing and Research Program Board will evaluate each complete and timely-filed project proposal and grant application it receives, which shall include a 100-point scale assessing:

a. Up to 20 points for the project needs statement.

b. Up to 20 points for the expected impact of project outcomes.

c. Up to 20 points for the promotion, marketing or research methodology.

d. Up to 20 points for overall project evaluation.

e. Up to 20 points for support and participation from industry.

If any joint funding proposals are received per paragraph 1, the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board will each independently evaluate and score based on each board's criteria. For a recommendation for funding a joint proposal to be made to the Liquor Control Board, each Pennsylvania Wine Marketing and Research Program Board must independently approve the proposal for recommendation and then agree to joint funding with the other.

8. *Evaluation, Recommendations and Awards.* The Pennsylvania Wine Marketing and Research Program Board reserves the right to request modifications and/or clarifications of project proposals and grant applications, including but not limited to additional detail of purpose, reduced or modified budgets, and the like. Upon completion of evaluations, the Pennsylvania Wine Marketing and Research Program Board will prepare a record identifying each complete and timely filed project proposal and grant application received, and the numerical score assigned to each.

In the event of one or more recommendations to the Liquor Control Board to make and fund a grant, the

Pennsylvania Wine Marketing and Research Program Board will transmit to the Liquor Control Board the complete and final project proposal and grant application along with the score assigned by the Pennsylvania Wine Marketing and Research Program Board and any other information deemed relevant by the Pennsylvania Wine Marketing and Research Program Board or requested by the Liquor Control Board. Request will be made by the Pennsylvania Wine Marketing and Research Program Board that the Liquor Control Board respond to all recommendations for grant approval within 30 days. The Liquor Control Board's three-member board will vote on these recommendations at a public meeting, and the Liquor Control Board will directly contact those applicants whose proposals/applications are approved. The Liquor Control Board is responsible for notifying applicants whose projects were recommended by the Pennsylvania Wine Marketing and Research Program Board for Liquor Control Board funding, but which the Liquor Control Board determined not to fund.

a. *Term of Grants.* Grant Agreements will become effective on January 1, 2022, or the date of the last required Commonwealth approval, whichever is later (Effective Date).

b. No reimbursements will be made by the Liquor Control Board for any grant activity commencing prior to the Effective Date.

c. Research projects will have a term of 18 months. All other projects will have a term of 12 months.

d. A Notice to Proceed, Purchase Orders, fully executed agreements and invoicing instructions will be provided by Liquor Control Board by means of e-mail.

e. Any jointly funded projects per paragraph 1 will require two separate grant agreements and two separate purchase orders with the Liquor Control Board, with funding split equally between Wine Marketing and Research funds and Malt and Brewed Beverage Industry Promotion funds. Grantees will be required to submit separate invoices for each funding stream, attributing half of each expenditure to each purchase order.

f. Final invoices shall be submitted to the Liquor Control Board within 60 days of contract end date as set forth in the Grant Agreement.

g. See Addendum 1 Grant Agreement for more details about the Liquor Control Board's grant administration practices.

9. *Progress Reports.* Progress reports are to include the deliverables from paragraph 6.e. and be delivered by e-mail to RA-AGCommodities@pa.gov and RA-LBACT39GRANTS@pa.gov no later than October 1, and April 1, every year for the duration of the project, or as requested by the Pennsylvania Wine Marketing and Research Program Board. Final reports should be submitted within 90 days of contract end date.

10. *Grant Agreement.* The Liquor Control Board will provide applicants with a grant agreement for Grantee's execution and return within 30 calendar days. The Liquor Control Board will obtain the required signature on the grant agreements, including any other required Commonwealth entities, and return a copy to the applicant. Unless otherwise stated in the executed grant agreement, no grant agreement is effective, and work should not begin until all required signatures have been applied to the grant agreement. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Pennsylvania Wine Marketing and Research

Program Board full and complete access to all records relating to the performance of the project and submit information as the Pennsylvania Wine Marketing and Research Program Board may require.

11. *Cost-Reimbursement Grant and Indirect Costs Cap.* Grants made hereunder do not require the applicant secure or devote a matching sum to the project. Payment of grant funds will occur on a reimbursement basis only. Grant awards may include an allowance for indirect costs of up to 10%. In the case of graduate student participation, reasonable stipends will be allowed, and tuition will not be allowed.

RUSSELL C. REDDING,  
*Secretary*

### Addendum 1

## LIQUOR CONTROL BOARD GRANT AGREEMENT PURSUANT TO 47 P.S. § 4-488.1

This Grant Agreement is entered into by and between the Pennsylvania Liquor Control Board, 312 Northwest Office Building, Harrisburg PA 17124 (hereinafter referred to as "PLCB" or "Grantor"), and \_\_\_\_\_, (hereinafter referred to as "Grantee") (collectively, "the Parties").

### I. RECITALS

1. Pursuant to sections 488(k) and 448.1 of the Pennsylvania Liquor Code, 47 P.S. §§ 4-488(k) and 4-488.1, the PLCB shall allocate the amount of \$1,000,000 annually to be used to award grants to entities for the purpose of increasing the production of Pennsylvania-made wines and enhancing the Pennsylvania wine industry through promotion, marketing and research-based programs and projects.

2. The Pennsylvania Wine Marketing and Research Program Board ("Wine Board") was established by the Pennsylvania Department of Agriculture under the authority of the Pennsylvania Agricultural Commodities Marketing Act at 3 Pa.C.S. §§ 4501—4513. Its composition, funding and duties were subsequently expanded in the Pennsylvania Liquor Code; specifically, at 47 P.S. § 4-488.1.

The Wine Board is statutorily charged with establishing procedures by which an entity may submit an application for grant funding pursuant to 47 P.S. § 4-488(k) and § 4-488.1; reviewing all such grant applications; and making recommendations to the PLCB for the awarding of the grants.

The Wine Board is further statutorily charged with requiring grant recipients to provide full and complete access to all records relating to the performance of the grant; conducting a thorough annual evaluation of each program for which a grant is made; and submitting an annual report to the General Assembly detailing all actions of the Wine Board and the grants awarded pursuant to section 488(k) and 488.1 of the Liquor Code.

3. The PLCB has made the aforementioned allocation; the Wine Board has established the requisite procedures and process; the Wine Board has issued a competitive grant solicitation as posted on [Date] at [\_\_\_ PaB. \_\_\_], incorporated by reference herein, and the Grantee has applied for a grant pursuant thereto; the Wine Board has recommended to the PLCB to make a grant to the Grantee as detailed in Appendix G, attached and incorporated by reference; and the PLCB has approved the award of the grant ("the Grant").

## II. AGREEMENT

In consideration of the foregoing recitals, which are incorporated herein, and the mutual promises contained in this Grant Agreement, the Parties, intending to be legally bound, agree as follows:

### 1. SCOPE.

a. This Grant is for funding the Project Proposal and Grant Application (“the Project”) summarily described as follows and in more detail in the documents attached hereto and incorporated herein as Attachment G.

b. No increases to the funding amount or changes to the approved overall scope of work will be permitted under any circumstance; however, minor revisions to the Project timeline, methodology and/or budget(s) contained in Attachment G may be approved by the PLCB at its sole discretion upon review of Grantee’s written request and justification for same. Similarly, at the PLCB’s sole discretion and in consideration of exigent circumstances, the PLCB may authorize changes to specific elements of an approved scope of work.

By way of example only, if certain approved grant elements cannot be performed due to governmental restrictions related to a pandemic (e.g., in-person event), then Grantee may propose modifications to those elements (e.g., shift to virtual event), limited to what is reasonably necessary to achieve the approved project objectives and deliverables and within the original approved budget.

Grantee shall submit such requests via email to the PLCB’s resource account at RA-LBAct39Grants@pa.gov (“the Resource Account”), and the PLCB will respond to the request via the same Resource Account within ten calendar days of its receipt of the request.

### 2. OPERATIONAL REQUIREMENTS

a. All communications between the Grantee and the PLCB, including but not limited to questions, notifications, requests, and invoice submissions, shall be conducted via email to and from the PLCB’s aforementioned Resource Account. Grantee expressly accepts this method of electronic communication and is responsible to timely provide notice to the PLCB via the Resource Account if there are any changes or additions to the Grantee’s contact information. The PLCB will utilize best efforts to respond to all inquiries from Grantee within five business days of receipt of an email, except as otherwise provided herein.

b. In order to be issued an approved Purchase Order and to receive Grant funds, if the Grantee does not have a valid PLCB Oracle Supplier Registration Number (which is different than other Commonwealth supplier/vendor numbers), Grantee is required to register with the PLCB’s Supplier Unit using the following linked form which includes instructions: <https://www.lcb.pa.gov/JoinOurTeam/Documents/001698.pdf>.

### 3. EFFECTIVE DATE AND TERM

a. This Grant Agreement shall become effective on January 1, 2022 or on the date of the last required Commonwealth signature, whichever is later (the “Effective Date”). The Grant Activity Period, defined as the period of performance for which the Grantee can be reimbursed for activity performed in accordance with the Grant, shall be twelve months from the Effective Date for marketing, educational and/or promotions-related projects and eighteen months from the Effective Date for research projects. The Effective Date and the Grant Activity Period

will be set forth with specificity on the Notice to Proceed letter and the PLCB Purchase Order, which will be sent to Grantee via the Resource Account with the fully executed Grant Agreement.

b. No later than sixty days prior to the expiration of the Grant Activity Period, Grantee may electronically submit a request to the PLCB via the Resource Account to extend the Grant Activity Period in order to complete the Project without increasing the Grant funding. At its sole discretion and by issuance of a written notice to extend by the PLCB, the PLCB may extend the Grant Activity Period for no more than ninety days. This written notice of an approved extension will be emailed to the Grantee via the Resource Account within ten calendar days of the PLCB’s receipt of a compliant request. Except in the case of exigent circumstances as determined by the PLCB at its sole discretion, no additional extensions will be approved, although Grantee is not precluded from applying for a subsequent grant.

**4. REIMBURSEMENT.** The PLCB agrees to reimburse Grantee in the amount not to exceed \$ \_\_\_\_\_ for the purpose of completing the Project in accordance with the terms of this Grant Agreement. Payments hereunder may be made electronically through the Pennsylvania Electronic Payment Program, details of which are set forth and incorporated herein as Attachment A hereto. Under no circumstances will the PLCB reimburse the Grantee for any expenses incurred before the Effective Date or after the expiration date of the Grant.

**5. CONTRIBUTION.** The Grantee agrees to contribute and/or secure any additional necessary funds required to complete the Project, if any, in accordance with the terms of Attachment G.

### 6. PERMITTED EXPENDITURE.

a. Reimbursement funds provided by the PLCB shall be used for only those expenses outlined in this Grant Agreement, including its Attachments. The Grantee shall not purchase equipment of any type or kind under the terms of this Grant Agreement unless mandated by the nature of the work and explicitly approved by the PLCB in this Grant Agreement.

b. The Grantee expressly warrants that it shall request reimbursement of expenses solely allowable by the Grant Agreement. Should the PLCB determine that the Grantee is not using Grant funds exclusively in conformance with the Grant Agreement, the PLCB shall have the absolute right, in addition to any other rights provided herein or by law, to terminate this Grant Agreement and to demand the repayment/return of Grant funds. Failure of Grantee to repay/return such funds within ten business days of the PLCB’s written demand, sent electronically via the Resource Account, will result in referral of the matter to the Office of the Attorney General for investigation and possible prosecution.

### 7. INVOICING, RECORDS, REPORTS.

a. All payments of Grant funds hereunder shall be made on a reimbursement basis only and as set forth in the approved project budget in Attachment G. Invoices for expenses incurred shall be in accordance with Paragraph 6.

b. Grantee must electronically submit detailed reimbursement invoices to the Resource Account. The invoices must clearly indicate the PLCB Purchase Order number, the payee for each item, the total paid to that payee for each budget line item type for approved grant activities

for the quarterly invoice period, a brief description of the expense item, and the date such payment was issued. The PLCB expects that Grantee will include reasonable supporting documentation of these expenses as every reimbursement invoice is compared to the approved grant agreement package, which includes the final proposal documents, to ensure that the expenses were within the approved project scope, timeline and budget.

c. These invoices are to be submitted within thirty days of the end of each quarter during the Grant Activity Period for work performed and expenses paid during that quarter. If there was no work performed or expenses paid during a given quarter of the Grant Activity Period, Grantee is to communicate that fact via email to the Resource Account within thirty days of the end of that quarter. The PLCB shall reject any invoices received more than sixty days following the end of the Grant Activity Period and Grantee shall have no claim against the PLCB or the Commonwealth for same.

d. In the event that a reimbursement invoice as submitted does not permit the PLCB to adequately discern the appropriateness of the reimbursement request, then the Grantee will receive a request via the Resource Account for additional supporting documentation to substantiate the invoice submitted and the funds expended. Grantee will have ten calendar days to respond to the Resource Account.

e. Grantee is required to file timely progress reports to the Wine Board at RA-AGCommodities@pa.gov, including but not limited to a final report. Grantee should copy the PLCB's Resource Account at RA-LBAct39Grants@pa.gov when submitting progress reports to the Wine Board. The PLCB reserves the right to withhold payment otherwise due under the terms of this Grant Agreement for Grantee's failure to submit reports to the Wine Board, until the Wine Board advises the PLCB that such reports have been submitted. The Grantee is responsible for ensuring that its required reports are timely submitted directly to the Wine Board and acknowledges that the PLCB has no involvement in the Wine Board's statutory reporting requirements.

f. Records of all expenditures shall be maintained for a period of two years after expiration of the term of this Grant Agreement and shall be subject to audit by the PLCB and legally authorized officials of the Commonwealth of Pennsylvania. The Grantee shall provide the PLCB and the Commonwealth full and complete access to all records relating to the performance of any and all work hereunder and shall submit truthful and accurate information about the work performed hereunder if, and as, requested by the PLCB and/or the Commonwealth.

**8. HOLD HARMLESS.** The Grantee shall indemnify, hold harmless and defend the PLCB and the Commonwealth of Pennsylvania and their officers, employees and agents from and against any and all suits and judgments for damages for personal injury, death or damage to real or tangible personal property arising out of or in conjunction with the performance by the Grantee under this Grant Agreement and caused by the Grantee's negligence or intentional wrongful acts. This paragraph does not apply when the Grantee is a Commonwealth Agency, including but not limited to state-affiliated entities or state-related institutions.

#### **9. ADDITIONAL COMPLIANCE REQUIREMENTS**

a. The following additional compliance requirements are attached and incorporated into this Grant Agreement

and made a part hereof. The Grantee shall comply with, and be bound by, the provisions set forth in these attachments:

i. Attachment A—Pennsylvania Electronic Payment Program

ii. Attachment B—Nondiscrimination/Sexual Harassment Clause, with respect to which the Grantee is the "Contractor."

iii. Attachment C—Contractor Integrity Provisions, with respect to which the Grantee is the "Contractor."

iv. Attachment D—The Americans With Disabilities Act provisions, with respect to which the Grantee is the "Contractor."

v. Attachment E—Right-to-Know Provisions, with respect to which the Grantee is the "Contractor."

vi. Attachment F—Contractor Responsibility Provisions, with respect to which the Grantee is the "Contractor."

b. The Grantee shall comply with all the terms, conditions and requirements set forth in the competitive grant solicitation posted on [Date] at [\_\_\_\_ PaB. \_\_\_\_], which is incorporated by reference into this Grant Agreement as if fully set forth herein.

c. The Grantee agrees that in the performance of its obligations under this Grant Agreement it will comply with all applicable, federal, state and local laws and regulations. The Grantee expressly warrants that, as it relates to the performance of the Project that is the subject of this Grant Agreement, it shall at all times comply with the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., and the PLCB's Regulations, 40 Pa. Code § 1.1 et seq.

d. Any forbearance by the PLCB in exercising any right or remedy hereunder or as otherwise afforded by applicable law shall not be a waiver of or preclude the exercise of any such right or remedy at any appropriate time.

e. The Grantee shall, in the performance of this Grant Agreement, act in an independent capacity and not as an officer, employee or agent of the PLCB or of the Commonwealth of Pennsylvania.

**10. STATE TAX LIABILITY.** The Grantee agrees that the Commonwealth of Pennsylvania may set-off the amount of any state tax liability or other debt of the Grantee or its subsidiaries, that is owed to the Commonwealth and not being contested on appeal, against any payments due the Grantee under this Grant Agreement.

**11. TERMINATION AND ASSIGNMENT.** If through any cause, the Grantee shall fail to fulfill in a timely and proper manner its obligations under this Grant Agreement, or in the event of violation of any of the covenants contained in this Grant Agreement, the PLCB thereupon has the right to terminate this Grant Agreement by giving thirty days written notice to the Grantee specifying the effective date of termination. If this Grant Agreement is so terminated, the Grantee shall be reimbursed for all expenses properly incurred under the terms of this Grant Agreement prior to receipt of notice, so long as Grantee properly submits valid invoices with supporting documentation within sixty days of the notice of termination. Failure by Grantee to timely submit final invoicing shall be considered a forfeiture of any claims to Grant funding. The Grantee shall not assign any interest to this Contract, nor shall any interest be transferred by novation or assignment without prior written consent of PLCB.

**12. SEVERABILITY.** The terms and provisions of this Grant Agreement are severable. In the event of the unenforceability or invalidity of any one or more of the terms, covenants, conditions or provisions of this Grant Agreement under federal, state or other applicable laws, such unenforceability or invalidity shall not render any other term, covenant, condition or provision hereof unenforceable or invalid.

**13. ENTIRE AGREEMENT.** This Grant Agreement constitutes the entire agreement between the parties. No amendment or modification hereof shall have any force or effect unless it is in writing and signed by all parties.

**14. CONTINGENCY.** The PLCB's obligation to make payments shall be subject to the availability and appropriation of funds.

**15. APPLICABLE LAW.** This Grant Agreement shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any conflict of laws provisions) and the decisions of the Pennsylvania courts. The Grantee consents to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The Grantee agrees that any such court shall have in personam jurisdiction over it, and consents to service of process in any manner authorized by Pennsylvania law.

**16. HEADINGS.** All headings of the sections and subsections of this Agreement are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

**IN WITNESS WHEREOF,** the Parties hereto, with the intention of being legally bound hereby and each signatory having the requisite legal authority to bind its respective entity, have caused this Grant Agreement to be duly executed. If the signature below is submitted electronically or digitally, the signatory hereby expressly acknowledges and avers that he or she is the named individual and that he or she intends to sign this Grant Agreement document electronically or digitally.

[GRANTEE]

NAME:  
Title:

**PENNSYLVANIA LIQUOR CONTROL BOARD**

Michael Demko, Executive Director

**APPROVED AS TO FORM AND LEGALITY:**

Rodrigo J. Diaz, PLCB CHIEF COUNSEL

OFFICE OF THE ATTORNEY GENERAL                      DATE

APPROVED:

COMPTROLLER

### Attachment A

#### PENNSYLVANIA ELECTRONIC PAYMENT PROGRAM

a. The Commonwealth may make contract payments through ACH, upon your election. If you so elect, within 10 days of the Grant award, the recipient must submit or must have already submitted its ACH and electronic addenda information, if desired, to the commonwealth's Payable Service Center, Vendor Data Management Unit at 717-214-0140 (FAX) or by mail to the Office of Comptroller Operations, Bureau of Payable Services, Payable Service Center, Vendor Data Management Unit, 555 Walnut Street—9th Floor, Harrisburg, PA 17101. Electronic PEPP enrollment form is available at [www.vendorregistration.state.pa.us/cvmu/paper/Forms/ACH-ETenrollmentform.pdf](http://www.vendorregistration.state.pa.us/cvmu/paper/Forms/ACH-ETenrollmentform.pdf).

b. The recipient must submit a unique invoice number with each invoice submitted. The unique invoice number will be listed on the Commonwealth of Pennsylvania's ACH remittance advice to enable the recipient to properly apply the state agency's payment to the respective invoice or program.

c. It is the responsibility of the recipient to ensure that the ACH information contained in the commonwealth's central vendor master file is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.

### Attachment B

#### NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE (Grants)

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the Grant Agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act (PHRA) and applicable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any of its employees.

3. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the Grant agreement, subgrant agreement, contract or subcontract.

4. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the Public Employee Relations Act, Pennsylvania Labor Relations Act or National Labor Relations Act, as applicable and to the extent determined by entities charged with



such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.

5. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily accessible and well-lighted places customarily frequented by employees and at or near where the Grant services are performed shall satisfy this requirement for employees with an established work site.

6. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the Grant relates.

7. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to Title VII of the Civil Rights Act of 1964, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

8. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

9. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

10. The Commonwealth may cancel or terminate the Grant agreement and all money due or to become due under the Grant agreement may be forfeited for a violation of the terms and conditions of this

Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

### Attachment C

#### CONTRACTOR INTEGRITY PROVISIONS

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

1. **DEFINITIONS.** For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

a. **"Affiliate"** means two or more entities where (a) a parent entity owns more than fifty percent of the voting stock of each of the entities; or (b) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or (c) the entities have a common proprietor or general partner.

b. **"Consent"** means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.

c. **"Contractor"** means the individual or entity, that has entered into this contract with the Commonwealth.

d. **"Contractor Related Parties"** means any affiliates of the Contractor and the Contractor's executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

e. **"Financial Interest"** means either:

(1) Ownership of more than a five percent interest in any business; or

(2) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

f. **"Gratuity"** means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor's Code of Conduct, Executive Order 1980-18, the 4 Pa. Code § 7.153(b), shall apply.

g. **"Non-bid Basis"** means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

2. In furtherance of this policy, Contractor agrees to the following:

a. Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.

b. Contractor shall establish and implement a written business integrity policy, which includes, at a minimum,

the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity Provisions conspicuously in easily accessible and well-lit places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

c. Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.

d. Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

e. Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:

(1) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;

(2) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;

(3) had any business license or professional license suspended or revoked;

(4) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and

(5) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the Commonwealth in writing if at any time during the term of the contract it becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual

circumstances or were false or should have been known to be false when entering into the contract.

f. Contractor shall comply with the requirements of the Lobbying Disclosure Act (65 Pa.C.S. § 13A01 et seq.) regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the Section 1641 of the Pennsylvania Election Code (25 P.S. § 3260a).

g. When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.

h. Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

i. Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third-party beneficiaries shall be created thereby.

j. For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and

any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

#### **Attachment D**

##### **AMERICANS WITH DISABILITIES ACT**

a. Pursuant to federal regulations promulgated under the authority of The Americans with Disabilities Act, 28 C.F.R. § 35.101 et seq., the contractor understands and agrees that it shall not cause any person with a disability to be excluded from participation in this Contract or from activities provided for under this Contract on the basis of the disability. As a condition of accepting this contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C.F.R. § 35.130, and all other regulations promulgated under Title II of The Americans with Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.

b. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of subparagraph (a) above.

#### **Attachment E**

##### **RIGHT TO KNOW LAW—GRANT PROVISIONS—8-K-1580**

a. Grantee or Subgrantee understands that this Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the granting Commonwealth agency.

b. If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee or Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

c. Upon written notification from the Commonwealth that it requires Grantee's or Subgrantee's assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee's or Subgrantee's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), Grantee or Subgrantee shall:

1. Provide the commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in Grantee's or Subgrantee's possession arising out of this Grant Agreement that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and

2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Grant Agreement.

d. If Grantee or Subgrantee considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

e. The Commonwealth will rely upon the written statement from Grantee or Subgrantee in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the commonwealth determine that the Requested Information is clearly not exempt from disclosure, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notice of the Commonwealth's determination.

f. If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth.

g. The Commonwealth will reimburse Grantee or Subgrantee for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

h. Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

i. The Grantee's or Subgrantee's duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

#### **Attachment F**

##### **Contractor Responsibility Provisions**

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, Grantee or lessor, who has furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or

other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term contractor includes a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

1. The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.

2. The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.

3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may obtain a current list of suspended and debarred Commonwealth contractors by either searching the Internet at <http://www.dgs.state.pa.us/> or contacting the:

Department of General Services  
Office of Chief Counsel  
603 North Office Building  
Harrisburg, PA 17125  
Telephone No: (717) 783-6472  
FAX No: (717) 787-9138

[Pa.B. Doc. No. 21-83. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) issues this temporary order designating Chronic Wasting Disease (CWD), Viral Hemorrhagic Septicemia (VHS), the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1), *Brucella canis*, Tilapia lake virus (TiLV), *Streptococcus equi ssp. zooepidemicus* (*S. zooepidemicus*) in swine, Rabbit Hemorrhagic Disease (RHD), and *Leishmaniasis* as "dangerous transmissible diseases." These designations are made under the authority of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).

This temporary order is the successor to a previous temporary order which was published in the June 20, 2020 *Pennsylvania Bulletin*. This temporary order will amend and replace the June 20, 2020 temporary order. The amendment adds an additional "dangerous transmissible disease," *Leishmaniasis*.

Under the Domestic Animal Law at, 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under the Domestic Animal Law at, 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a "dangerous transmissible disease" to be a dangerous transmissible disease through issuance of a temporary order making that designation. Under the authority of the Domestic Animal Law, set forth above, the Department hereby establishes the following diseases as "Dangerous Transmissible Diseases."

#### 1. CWD

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or "mad cow" disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a "prion." There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

CWD has been identified in both captive and wild deer in this Commonwealth. The designation of CWD as a "dangerous transmissible disease" allowed the Department to facilitate the development and oversight of a surveillance program and quarantine orders that allowed for detection, tracing and containment of the CWD outbreak and allowed the Department to react and take action necessary to carry out its statutory duty under the Domestic Animal Law.

#### 2. VHS

VHS virus is a serious pathogen of fresh and saltwater fish that is causing a disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of

infected fish. Once a fish is infected with VHS, there is no known cure. Not all infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

### 3. Neurologic Form of EHV-1

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geographic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheobronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild incoordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas, and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

### 4. Canine Brucellosis (*Brucella canis*)

Canine brucellosis is an infectious disease of dogs caused by the *Brucella canis* (*B. canis*) bacteria. *B. canis* infection in breeding dogs is an important cause of reproductive failure, particularly in kennels. *B. canis* infection can result in abortions, stillbirths, epididymitis, orchitis and sperm abnormalities in breeding dogs. Infected dogs that have been spayed or neutered may develop other conditions such as ocular disease and discospondylitis.

Transmission of *B. canis* occurs through exposure to secretions during estrus or mating or by contact with infected tissues during birth or following abortion. In addition, infected dogs may spread the bacteria in blood, milk, urine, saliva, nasal and ocular secretions, and feces. Puppies can become infected in utero, during birth, through nursing, and by contact with contaminated surfaces. The bacteria can also be transmitted by fomites.

*B. canis* is considered to be a zoonotic organism, although its importance as a cause of human illness is still unknown. People in very close contact with infected dogs are thought to be more at risk of infection, including those who work in a breeding kennel, and veterinarians. Laboratory personnel handling the organism are also considered to have a higher risk of infection. The symptoms of this disease in humans are nonspecific and cases may not be reported. The 2012 National Association of State Public Health Veterinarians (NASPHV) document

“Public Health Implications of *B. canis* Infections in Humans” reports that there are documented cases of infection with *B. canis* leading to serious health problem. Those with compromised immune systems may be at higher risk of serious illness. Treatment with antibiotics may be effective.

Although infection in dogs can be treated with antibiotics, *B. canis* can persist in an animal even after treatment. Prevention is key, and all dogs entering a breeding kennel or used for breeding should first be test-negative or come from a brucella-negative source. Ongoing and regular testing is recommended, even in closed breeding facilities, and this is an essential component of recognition and prevention. Proper biosecurity and sanitation of breeding facilities is also recommended to prevent disease transmission. Infected puppies or dogs should not be purchased or adopted.

### 5. Tilapia lake virus (TiLV)

Tilapia lake virus (TiLV) is a serious viral pathogen of farmed and wild Tilapia which has caused large losses in farmed fish in other countries. This orthomyxo-like virus was detected in an aquaculture facility within the United States and spread to other fish farms before it was eradicated from the country. The entry of the virus was traced to the importation of infected fry (juvenile fish) from an endemic region.

Lesions associated with TiLV infection include discoloration, renal congestion, encephalitis, ocular degeneration and abdominal swelling. Mortality can range from 10 to 90%. Morbidity and mortality generally become apparent in farmed fish within 1 month of movement from the hatchery to grow-out cages—thus, the disease is commonly known as “tilapia one-month mortality syndrome.”

### 6. *Streptococcus equi subspecies zooepidemicus* (*S. zooepidemicus*) in swine

*Streptococcus equi ssp. zooepidemicus* (*S. zooepidemicus*) is an opportunistic bacteria that has recently caused major economic losses in the swine industry in China. Although *S. zooepidemicus* is most commonly known as the cause of severe respiratory or uterine infections in horses, it is able to infect many other species, including swine, cattle, rabbits, pigs, dogs, cats, and humans. In animals, symptoms can include fever, inflammation of lymph nodes, sepsis, mastitis, and bronchopneumonia.

To protect the swine industry in Pennsylvania, potential infections in swine should be investigated to determine how widespread this organism is in swine and to assist producers in reducing the risk of infection and spread of disease.

### 7. Rabbit Hemorrhagic Disease (RHD)

Rabbit hemorrhagic disease (RHD) is a fatal disease in rabbits and is considered a foreign animal disease in the United States. RHD is caused by a calicivirus and there are several strains which cause disease. Rabbit Hemorrhagic Disease Virus Serotype 2 (RHDV-2) has been detected in North America in recent years. RHDV-2 is highly contagious and affects both domestic and wild rabbits, including hares, jackrabbits and cottontails.

The virus causing RHD can be transmitted by direct contact with infected rabbits or indirectly through carcasses, food, water, and any contaminated materials, and it is very resistant to extreme temperatures. Infection may result in a peracute febrile disease which causes hepatic necrosis, enteritis, and lymphoid necrosis, followed by massive coagulopathy and hemorrhages in mul-

tiple organs. Rabbits often show few clinical signs and die within six to 24 hours after the onset of fever and may have blood visible around the nose from the internal hemorrhaging. Morbidity rate is often 100%, and the mortality rate is often 60%—90%.

RHD has not been shown to affect people or other mammals.

#### 8. *Leishmaniasis*

Leishmaniasis is a zoonotic disease caused by infection with *Leishmania* parasites, affecting humans, dogs, and other mammals.

Leishmaniasis is most commonly reported in tropical and subtropical regions, including Asia, the Middle East, Africa, southern Europe, South and Central America, and southern Mexico. The disease has also been identified in foxhound populations in the United States and Canada and sporadic cases in other dogs have been reported in the United States.

Infection with *Leishmania* parasites can result in disease ranging from mild cutaneous lesions, a mucocutaneous form, or severe and often fatal visceral leishmaniasis in which internal organs such as the bone marrow, spleen, and liver may be affected. Approximately one million human cases, most with the cutaneous presentation, are reported worldwide annually. The visceral form of leishmaniasis is most often caused by the *Leishmania infantum* parasite in the Americas. The parasite is spread by infected female phlebotomine sandflies which feed on blood. The existence of competent insect vectors for *Leishmania* parasites in the United States has been documented and changing environmental factors may expand the geographic range of vectors in North America. Disease in humans caused by *Leishmania infantum* is reportedly a serious public health problem in those areas where canine leishmaniasis is endemic, and dogs have

been implicated as a reservoir of infection, transmitting the parasite to insect vectors when the insects take a blood meal. The importation of infected dogs to an area with competent vectors could lead to the spread of the parasite in animal and human populations.

Treatment may not clear the parasite, and recrudescence may occur. There is no vaccine available to prevent leishmaniasis in humans or other mammals.

#### Order

The Department hereby designates CWD, VHS, EHV-1, *Brucella canis*, Tilapia lake virus, *Streptococcus equi* ssp. *zooepidemicus* (*S. zooepidemicus*) in swine, Rabbit Hemorrhagic Disease (RHD), and *Leishmaniasis* as “dangerous transmissible diseases” under the Domestic Animal Law at 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making such a designation.

This order shall take effect as of publication in the *Pennsylvania Bulletin* and shall remain in effect until no later than January 1, 2022. This Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2022, (2) allow this temporary order to expire on January 1, 2022, (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Kevin Brightbill, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 21-84. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending January 5, 2021.

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

#### BANKING INSTITUTIONS

##### Branch Applications

##### De Novo Branches

Date	Name and Location of Applicant	Location of Branch	Action
01-04-2021	CNB Bank Clearfield Clearfield County	28029 Chagrin Boulevard Woodmere Cuyahoga County, OH	Filed

##### Branch Discontinuances

Date	Name and Location of Applicant	Location of Branch	Action
12-31-2020	First Columbia Bank & Trust Co. Bloomsburg Columbia County	402 Main Street Orangeville Columbia County	Closed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-25-2020	Noah Bank Elkins Parks Montgomery County	Effective
	Amendment to Article V of the institution's Articles of Incorporation to provide for an increase in the number of common shares authorized to be issued from 20 million to 100 million, to reduce the par value of common stock from \$1 to \$0.10 per shares, and to authorize the issuance of nonvoting common stock as well as amend Article XIII to provide for disapplication of section 1610 of the Banking Code of 1965 (7 P.S. § 1610).	

**CREDIT UNIONS**

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-85. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2021

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of February 2021, is 3 3/4%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate

limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 1.35 to which was added 2.50 percentage points for a total of 3.85 that by law is rounded off to the nearest quarter at 3 3/4%.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-86. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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## 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](http://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](http://www.dep.pa.gov/CWPublicNotice).

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

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

Applications and NOIs may be reviewed at the DEP office that received the application or NOI. Contact information for each DEP office for Sections I & II is listed as follows. Contact information for Section III is available within the table. Members of the public are encouraged to use DEP’s website to obtain additional information as 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 DEP determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact DEP through the Pennsylvania AT&T 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 &amp; Address</i>	<i>Municipality &amp; County</i>	<i>DEP Office</i>
2620200	Industrial Waste Individual WQM Permit	New	Marcon Bldg Supply Inc. P.O. Box 37 Markleysburg, PA 15459-0037	North Union Township Fayette County	SWRO
0916803	Joint DEP/PFBC Pesticides Permit	Renewal	Tim Post 3780 W Brandon Way Doylestown, PA 18902-6234	Buckingham Township Bucks County	SERO
PA0033782	Minor Sewage Facility $\geq 0.05$ MGD and $< 1$ MGD Individual NPDES Permit	Transfer	Timberend Estates MHC LLC 1199 Lancaster Avenue Suite 100 Berwyn, PA 19312-1341	Fairfield Township Lycoming County	NCRO
NOEXNW112	No Exposure Certification	Renewal	First Student Inc. 905 Sampson Street New Castle, PA 16101-8911	New Castle City Lawrence County	NWRO
NOEXNW152	No Exposure Certification	Renewal	Silgan Plastics Corp 80 Loomis Street North East, PA 16428-1509	North East Borough Erie County	NWRO
NOEXSC354	No Exposure Certification	New	Shanks Extracts 350 Richardson Drive Lancaster, PA 17603-4034	East Hempfield Township Lancaster County	SCRO
NOEXSC355	No Exposure Certification	New	Shanks Extracts 350 Richardson Drive Lancaster, PA 17603-4034	East Hempfield Township Lancaster County	SCRO
NOEXSC356	No Exposure Certification	New	Shanks Extracts 350 Richardson Drive Lancaster, PA 17603-4034	East Hempfield Township Lancaster County	SCRO
PAG033642	PAG-03 NPDES General Permit for Industrial Stormwater	New	Blaw-Knox Corp 1280 Superior Avenue Chambersburg, PA 17201-7839	Greene Township Franklin County	SCRO
PAG033643	PAG-03 NPDES General Permit for Industrial Stormwater	New	Kinsley Const Inc. 2700 Water Street York, PA 17403-9306	West Manchester Township York County	SCRO
PAG036205	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Gfl PA LLC 1184 McClellandtown Road McClellandtown, PA 15458-1118	German Township Fayette County	SWRO
PAR806276	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Zenith Energy Terminals PA Holdings LLC 3900 Essex Lane Suite 700 Houston, TX 77027-5166	Speers Borough Washington County	SWRO
PAR808372	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	Champion Carrier Corp 2755 Kirila Boulevard Hermitage, PA 16148-9019	Hermitage City Mercer County	NWRO
PAG123791	PAG-12 NPDES General Permit for CAFOs	Renewal	Mike Cassel 259 Auction Road Manheim, PA 17545-9744	Penn Township Lancaster County	SCRO
PAG123866	PAG-12 NPDES General Permit for CAFOs	Renewal	Aaron J. Warner 18826 New Fording Road Broad Top, PA 16621	Todd Township Huntingdon County	SCRO
PAG123876	PAG-12 NPDES General Permit for CAFOs	Renewal	Brendon K. Zimmerman 2148 Deodate Road Elizabethtown, PA 17022	Conewago Township Dauphin County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality &amp; County</i>	<i>DEP Office</i>
1720408	Sewage Treatment Facilities Individual WQM Permit	New	Martin Bumberger 64 James Lane Woodland, PA 16881	Bradford Township Clearfield County	NCRO
1720409	Sewage Treatment Facilities Individual WQM Permit	New	Jamey and Kevin Shaw 100 Buckskin Drive Woodland, PA 16881	Bradford Township Clearfield County	NCRO
4818406A-1	Sewage Treatment Facilities Individual WQM Permit	Amendment	Wind Gap Borough Municipal Authority 578 Abel Colony Road Wind Gap, PA 18091-9506	Plainfield Township Northampton County	NERO
5920401	Sewage Treatment Facilities Individual WQM Permit	New	Wellsboro Municipal Authority 28 Crafton Street Wellsboro, PA 16901	Wellsboro Borough Tioga County	NCRO
5906402	Sewage Treatment Facilities Individual WQM Permit	Amendment	Lawrenceville Borough 6 Mechanic Street Lawrenceville, PA 16920	Lawrenceville Borough Tioga County	NCRO
6020401	Sewage Treatment Facilities Individual WQM Permit	New	Donald L. Rowe 7675 Weikert Road Millmont, PA 17845	Hartley Township Union County	NCRO
6089414	Sewage Treatment Facilities Individual WQM Permit	Transfer	Artem V Domashevskiy & Jason A Domashevskiy 175 Eagle Lane Millmont, PA 17845-9443	Hartley Township Union County	NCRO
6220407	Sewage Treatment Facilities Individual WQM Permit	New	Dennis Schultz 131 3rd Street McDonald, PA 15057	Deerfield Township Warren County	NWRO
3220401	Sewer Extensions and Pump Stations Individual WQM Permit	New	White Township Municipal Authority Indiana County 80 N 8th Street Indiana, PA 15701	Indiana Borough Indiana County	NWRO
PA0114316	Single Residence STP Individual NPDES Permit	Transfer	Artem V Domashevskiy & Jason A Domashevskiy 175 Eagle Lane Millmont, PA 17845-9443	Hartley Township Union County	NCRO
WQG01142001	WQG-01 WQM General Permit	New	David and Sabrina Etters 2496 N. Eagle Valley Road Howard, PA 16841	Howard Township Centre County	NCRO

## 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.

### NCRO

**PA0113433**, Sewage, SIC Code 4952, **Lanny R. Fetterman**, 2074 Old Reading Road, Catawissa, PA 17820-8115. Facility Name: Fetterman SRSTP. This existing facility is located in Roaring Creek Township, **Columbia County**.

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

The receiving stream(s), Unnamed Tributary of Roaring Creek (HQ-CWF), is located in State Water Plan watershed 5-E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 400 GPD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	Report

Sludge use and disposal description and location(s): Collected sludge is hauled off site.

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

The EPA Waiver is in effect.

*NERO*

**PA0032433**, Sewage, SIC Code 8412, **PA DCNR, Frances Slocum State Park**, 565 Mount Olivet Road, Wyoming, PA 18644-9333. Facility Name: Frances Slocum State Park. This existing facility is located in Kingston Township, **Luzerne County**.

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

The receiving stream(s), Abrahams Creek (CWF, MF), is located in State Water Plan watershed 5-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 MGD.—Interim Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)						
Oct 1 - Apr 30	XXX	XXX	XXX	0.95	XXX	2.2
May 1 - Sep 30	XXX	XXX	XXX	0.95	XXX	2.2

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 MGD.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)						
Oct 1 - Apr 30	XXX	XXX	XXX	0.5	XXX	1.6
May 1 - Sep 30	XXX	XXX	XXX	0.5	XXX	1.6

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)						
Oct 1 - Apr 30	XXX	XXX	6.0	XXX	XXX	9.0
May 1 - Sep 30	XXX	XXX	Inst Min 6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen						
Oct 1 - Apr 30	XXX	XXX	5.0	XXX	XXX	XXX
May 1 - Sep 30	XXX	XXX	Inst Min 5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12.0
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX

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

Sludge use and disposal description and location(s): As per the permittee's operator, sludge has never been hauled from the site.

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

- Solids Management

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

The EPA Waiver is in effect.

**PA0033529**, Sewage, SIC Code 4952, 8221, **PA State University**, 139J Physical Plant Building, University Park, PA 16802-1118. Facility Name: PA State Wilkes-Barre Campus STP. This existing facility is located in Lehman Township, **Luzerne County**.

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

The receiving stream(s), Unnamed Tributary to East Fork Harveys Creek (CWF, MF), is located in State Water Plan watershed 5-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.38
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Oct 1 - Apr 30	XXX	XXX	XXX	5.4	XXX	10.8
May 1 - Sep 30	XXX	XXX	XXX	1.8	XXX	3.6
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

Sludge use and disposal description and location(s): A third-party contractor has historically hauled the facility's sewage sludge to the Greater Hazleton Joint Sewer Authority STP.

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

- Chesapeake Bay Nutrient Definitions
- Solids Management

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

The EPA Waiver is in effect.

**NWRO**

**PA0025755**, Sewage, SIC Code 4952, **Freeport Borough**, 414 Market Street, Freeport, PA 16229-1122. Facility Name: Freeport Borough STP. This existing facility is located in Freeport Borough, **Armstrong County**.

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

The receiving streams, the Buffalo Creek (TSF) and the Allegheny River (WWF), are located in State Water Plan watershed 18-F and are classified for Warm Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 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 Inst Min	XXX	XXX	9.0
Dissolved Oxygen						
Interim	XXX	XXX	Report	XXX	XXX	XXX
Final	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)						
Interim	XXX	XXX	XXX	1.0	XXX	1.6
Final	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	73.0	109.5	XXX	25	37.5	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	87.6	131.4	XXX	30	45	60
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	Report	XXX	Report	Report	XXX
May 1 - Oct 31	35.0	52.5	XXX	12.0	18.0	24
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		

Sludge use and disposal description and location(s): Sludge is disposed of at an approved landfill.

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

- Maximizing Treatment at the Existing POTW
- Combined Sewer Overflows
- Compliance Schedule for Dissolved Oxygen (DO)
- Compliance Schedule for Total Residual Chlorine (TRC)
- Solids Management

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

The EPA Waiver is not in effect (CSO discharge).

**PA0045039**, Sewage, SIC Code 8412, **PA DCNR Bureau of State Parks**, 305 State Park Road, Oil City, PA 16301-5933. Facility Name: Oil Creek State Park. This existing facility is located in Cornplanter Township, **Venango County**.

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

The receiving stream(s), Oil Creek, is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.—Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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

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

The EPA Waiver is in effect.

**PA0288829**, Sewage, SIC Code 8800, **Megan Spittler**, 1147 Brent Road, Volant, PA 16156-1601. Facility Name: Megan Spittler SRSTP. This proposed facility is located in Springfield Township, **Mercer 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), Hunters Run (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0008 MGD.—Limits.

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

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

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

The EPA Waiver is in effect.

#### SCRO

**PA0022209**, Sewage, SIC Code 4952, **Bedford Borough Municipal Authority**, 244 W Penn Street, Bedford, PA 15522-1226. Facility Name: Bedford Borough STP. This existing facility is located in Bedford Borough, **Bedford County**.

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

The receiving stream(s), Raystown Branch Juniata River (TSF) and Shobers Run (HQ-CWF), is located in State Water Plan watershed 11-C and is classified for High Quality Waters—Cold Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 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 Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	250	400	XXX	20	32	40
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

<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>	
Total Suspended Solids	375	563	XXX	30	45	60
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	Report
May 1 - Oct 31	87	XXX	XXX	7.0	XXX	14
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	25 Report	XXX XXX	XXX XXX	2.0 XXX	XXX XXX	4 XXX
Effluent Net	Total Mo					
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Cadmium, Total	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
Zinc, Total	Report	XXX	XXX	Report	XXX	XXX
Ultraviolet light dosage (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX

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>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX

Sludge use and disposal description and location(s): Natali Brother Farm in Colerain Township, Bedford County for agricultural utilization; Sandy Run Landfill in Broad Towns Township, Bedford County; Mostoller Landfill in Somerset County.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

**PA0267171**, Sewage, SIC Code 1521, **Brian Negley**, 110 Clover Lane, Carlisle, PA 17015-7711. Facility Name: Brian Negley Properties. This proposed facility is located in Lower Frankford Township, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary to Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	5.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	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

Sludge use and disposal description and location(s): Outfall 001.

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.

#### SERO

**PA0033880**, Sewage, SIC Code 4952, **Boyertown Area School District**, 1131 Montgomery Avenue, Boyertown, PA 19512-1299. Facility Name: New Hanover Upper Frederick Elementary School STP. This existing facility is located in New Hanover Township, **Montgomery County**.

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

The receiving stream, Unnamed Tributary to Swamp Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)						
Sep 1 - May 31	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Jun 1 - Aug 31	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen						
Sep 1 - May 31	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Jun 1 - Aug 31	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)						
Sep 1 - May 31	XXX	XXX	XXX	0.5	XXX	1.0
Jun 1 - Aug 31	XXX	XXX	XXX	0.5	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	0.834	XXX	XXX	10.0	XXX	20
Total Suspended Solids	0.834	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	0.250	XXX	XXX	3.0	XXX	6
Total Phosphorus	0.125	XXX	XXX	1.5	XXX	3

Sludge use and disposal description and location: Sludge is hauled away to Other Wastewater Treatment Plant.

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP When Municipal Sewers Available
- E. Chlorine Optimization
- F. Dry Stream Discharge
- G. Operator Notification



H. Fecal Coliform Reporting

I. Solids Management

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

The EPA Waiver is in effect.

**PA0011070**, Industrial, SIC Code 2521, 2522, **Knoll Inc.**, 1235 Water Street, East Greenville, PA 18041-2202. Facility Name: Knoll Inc. This existing facility is located in Upper Hanover Township, **Montgomery 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), Perkiomen Creek (TSF, MF) and Unnamed Tributary to Perkiomen Creek (TSF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0715 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	18	36	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2,500
Total Phosphorus	0.3	XXX	XXX	0.5	XXX	1.2

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	0.02	XXX	XXX	0.5	Report	1.2
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.0004 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>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
					Daily Max	
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX
					Daily Max	

The proposed effluent limits for Outfall 103 are based on a design flow of .0215 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>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.3
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 201 are based on a design flow of 0.04 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.3
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	8.0	13.0	XXX	25	40	50
Total Suspended Solids	10.0	15.0	XXX	30	45	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	6.7	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	3.3	XXX	XXX	10.0	XXX	20

The proposed effluent limits for Outfall 201 are based on a design flow of 0.005 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.3
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	1.04	1.668	XXX	25.0	40.0	50
Total Suspended Solids	1.251	1.88	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	0.834	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	0.417	XXX	XXX	10.0	XXX	20

The proposed effluent limits for Outfall 301 are based on a design flow of 0.0 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>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.3
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110

Sludge use and disposal description and location(s): hauled off site.

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

- Optimization of TRC dose, Development of an O&M plan, Chemical Additives, and Requirements applicable to industrial stormwater outfalls.

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.

**PAI130051**, MS4, **Upper Southampton Township Bucks County**, 939 Street Road, Southampton, PA 18966-4728. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Upper Southampton Township, **Bucks County**. The receiving streams, Unnamed Tributary to Mill Creek (WWF, MF) and Unnamed Tributary to Southampton Creek (TSF, MF), are located in State Water Plan watersheds 2-F and 3-J and are classified for Migratory Fishes, Warm Water Fishes, and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

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

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

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

**PA0011088**, Storm Water, SIC Code 5171, **Pbf Logistics Products Terminal LLC**, 1 Sylvan Way, Parsippany, NJ 07054-3887. Facility Name: PBF Logistics Products Essington Facility. This existing facility is located in Philadelphia City, **Philadelphia County**.

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

The receiving stream(s), Schuylkill River (WWF, MF) and Unnamed Tributary to Schuylkill River, is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100.0	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30

The proposed effluent limits for Outfall 002 are based on stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100.0	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX

The proposed effluent limits for Outfall 002 are based on stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX

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

- I. SW outfalls and non-SW discharges
- II. BMPs
- III. Routine Inspections
- IV. PPC Plan
- V. SW Monitoring Requirements
- VI. Other Requirements
  - A. Property Rights
  - B. Sludge Disposal

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

The EPA Waiver is in effect.

#### SWRO

**PA0110655**, Industrial, SIC Code 3399, **North American Höganäs Inc.**, 111 Hoganäs Way, Hollsopple, PA 15935-6416. Facility Name: Quemahoning Ind Development Park. This existing facility is located in Quemahoning Township, **Somerset County**.

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

The receiving stream(s), Quemahoning Creek (CWF), Stonycreek River (TSF), and Unnamed Tributary to Quemahoning Creek (CWF), is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on an average discharge flow of 0.325 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)						
Jan 1 - Jun 30	XXX	XXX	XXX	XXX	XXX	110.0
Jul 1 - 31	XXX	XXX	XXX	XXX	XXX	81.5
Aug 1 - Nov 30	XXX	XXX	XXX	XXX	XXX	110.0
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	105.2
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

The proposed stormwater monitoring requirements for Outfalls 003, 004, 006, 007, and 010:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 114 are based on an average discharge flow of 0.0168 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Internal Monitoring Point 214 are based on an average discharge flow of 0.08 MGD.—Limits:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)						
Jan 1 - Jun 30	XXX	XXX	XXX	XXX	XXX	110.0
Jul 1 - 31	XXX	XXX	XXX	XXX	XXX	81.5
Aug 1 - Nov 30	XXX	XXX	XXX	XXX	XXX	110.0
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	105.2
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	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.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD510194	New	Southeastern Pennsylvania Transportation Authority (SEPTA) 1234 Market Street Philadelphia, PA 19107	City of Philadelphia Philadelphia County	SERO, Waterways and Wetlands Program 2 E. Main Street Norristown, PA 19401-4915 (484) 250-5900

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD560005	New	New Enterprise Stone and Lime Company, Inc. P.O. Box 77 New Enterprise, PA 16664	Jefferson Township Lincoln Township Somerset Township Somerset County	SWRO, Waterways and Wetlands Program 400 Waterfront Drive Pittsburgh, PA 15222 (412) 442-4000
PAD390188	New	Girl Scouts of Eastern PA, Inc. 330 Manor Rd. Miquon, PA 19444	Salisbury Township Lehigh County	NERO, Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570.826.2511
PAD390171	New	Forge Development Company 840 West Hamilton St. Allentown, PA 18101	South Whitehall Township Lehigh County	NERO, Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570.826.2511
PAD390105 A-1	Major Amendment	American Millwork & Cabinetry, Inc. 840 Broad St. Emmaus, PA 18049	Emmaus Borough Lehigh County	NERO, Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570.826.2511
PAD450125	New	PennDot District 5-0 1002 Hamilton Street Allentown, PA 18101	Chestnuthill Township Monroe County	NERO, Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570.826.2511
PAD480142	New	Palmer Township 3 Weller Place Palmer, PA 18045	Palmer Township & Wilson Borough Northampton County	NERO, Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570.826.2511
PAD060047	New	Township of Cumru 1775 Welsh Road Mohnton, PA 19540	Cumru Township, Mohnton Borough Berks County	SCRO, Waterways & Wetlands Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802.
PAD060048	New	Sinking Spring Associates, LLC 300 Water Street Suite 300 Wilmington, DE 19801	Sinking Spring Borough Berks County	SCRO, Waterways & Wetlands Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802.
PAD210066	Renewal	Carlisle Developers, LLC 977 Walnut Bottom Road Carlisle, PA 17015-9152	Dickinson Township Cumberland County	SCRO, Waterways & Wetlands Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802.

## 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 AT&T 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>
Denis Beachel 368 Fairview Road Danville, PA 17821	Montour County	583.6	1,088.56	Turkeys	N/A	New
Facility: 309 Fairview Rd. Danville, PA 17821						
A&L Farms Linford Snyder 90 Court Street Bethel, PA 19526	Berks County	37.3	503.77	Poultry	N/A	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

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

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

**Application No. 5220513, Public Water Supply.**

Applicant	<b>Pennsylvania-American Water Company</b> 852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Lehman Township
County	<b>Pike County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Peter J. Keenan, P.E. American Water Service Company 1 Water Street Camden, NJ 08102
Application Received Date	December 15, 2020
Description of Application	The purpose of this application is to design and construct new treatment facilities at the Saw Creek public water system to replace the existing Wells 4 & 5 and Wells 9 & 10A treatment facilities. The treatment facility for Wells 4 & 5 will be relocated from the Well 5 site to the Well 4 site. The proposed Well 9 and 10A treatment facility will remain at the Well 10A site.

**Application No. 6420505**, Public Water Supply.

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

Municipality Lake Township

County **Wayne County**

Type of Facility Public Water Supply

Consulting Engineer Dan Hopkins, P.E.  
Entech Engineering, Inc.  
201 Penn Street  
P.O. Box 32  
Reading, PA 19603

Application Received Date December 8, 2020

Description of Application The applicant is requesting authorization to construct a replacement well at Paupackan Lake Estates Water System.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0520504**, Public Water Supply.

Applicant **Fishertown Water Association**

Municipality East St. Clair Township

County **Bedford County**

Responsible Official William J. Lochner  
President  
P.O. Box 149  
206 Hammond Hill Road  
Fishertown, PA 15539

Type of Facility Public Water Supply

Consulting Engineer David M. Cunningham, P.E.  
Keller Engineers, Inc.  
420 Allegheny Street  
206 Hammond Hill Road  
Hollidaysburg, PA 16648

Application Received: June 10, 2020

Description of Action Installation of storage tank flow control valving and booster pump.

**Permit No. 3620533 MA**, Public Water Supply.

Applicant **Warwick Township Municipal Authority**

Municipality Warwick Township

County **Lancaster County**

Responsible Official Todd Kauffman  
Facilities Manager  
7 South Broad Street  
P.O. Box 336  
Lititz, PA 17543

Type of Facility Public Water Supply

Consulting Engineer Steven E. Riley, P.E.  
Entech Engineering, Inc.  
201 Penn Street  
P.O. Box 336  
Reading, PA 19603

Application Received: September 2, 2020

Description of Action Addition of a continuous chlorine analyzer at Rothsville Well No. 1.

**Permit No. 2920503**, Public Water Supply.

Applicant **Pleasant Ridge Holdings, LLC**

Municipality Todd Township

County **Fulton County**

Responsible Official Jeff Gibson  
Owner  
11433 Lincoln Highway  
McConnellsburg, PA 17233

Type of Facility Public Water Supply

Consulting Engineer Robert H. Schemmerling, P.E.  
RHS Engineering, Inc.  
41 S Antrim Way  
Greencastle, PA 17225

Application Received: October 6, 2020

Description of Action Installation of filtration for Fe/Mn and turbidity removal.

**Permit No. 0620520**, Public Water Supply.

Applicant **Crossroads Beverage Group LLC**

Municipality Muhlenberg Township

County **Berks County**

Responsible Official Kirk Richmond  
Chief Operation Officer  
1055 Crossroads Blvd  
Muhlenberg, PA 19150

Type of Facility Public Water Supply

Consulting Engineer Kenneth M. Justice, P.E.  
AEON Geosciences, Inc.  
2120 Bellemead Avenue  
Havertown, PA 19083

Application Received: October 14, 2020

Description of Action New unload station, spring silo to silo transfer system, 20,000-gallon horizontal tank at the source, additional tankers.

**Permit No. 0620521**, Public Water Supply.

Applicant **Fleetwood Borough**

Municipality Ruscombmanor Township

County **Berks County**

Responsible Official Craig Conrad  
Public Works Director  
110 Arch Street  
Suite 104  
Fleetwood, PA 19522

Type of Facility Public Water Supply

Consulting Engineer Bradley D. Smith, P.E.  
ARRO Consulting, Inc.  
50 Berkshire Court  
Wyomissing, PA 19610

Application Received: October 21, 2020

Description of Action Rescind Well No. 6 and Spring Nos. 10—12.

**Permit No. 3620537**, Public Water Supply.

Applicant **Weaverland Valley Authority**

Municipality East Earl Township

County **Lancaster County**



Responsible Official Kenneth R. Witmer  
Chairman  
4610 Division Highway  
East Earl, PA 17519

Type of Facility Public Water Supply

Consulting Engineer Mark L. Homan, P.E.  
Becker Engineering LLC  
525 Greenfield Road  
Ste 201  
Lancaster, PA 17601

Application Received: October 28, 2020

Description of Action Twin Springs Well No. 4.  
**Permit No. 3620540**, Public Water Supply.

Applicant **City of Lancaster**

Municipality Lancaster

County **Lancaster County**

Responsible Official Christine Volkay-Hilditch  
Deputy Director of Public  
Works, Utilities  
120 N Duke St  
P.O. Box 1599  
Lancaster, PA 17608-1599

Type of Facility Public Water Supply

Consulting Engineer Jeremy D. Brumbach, P.E.  
City of Lancaster  
120 N Duke St  
Lancaster, PA 17602

Application Received: November 10, 2020

Description of Action Conestoga Water Treatment  
Plant equipment and  
instrumentation upgrades.  
**Permit No. 0620523**, Public Water Supply.

Applicant **Gaspari Farms Inc.**

Municipality Alsace Township

County **Berks County**

Responsible Official Mark Gaspari  
President  
670 Clauss Road  
Lenhartsville, PA 19534

Type of Facility Public Water Supply

Consulting Engineer James P. Cinelli, P.E.  
Liberty Environmental Inc.  
505 Penn Street  
Reading, PA 19601

Application Received: November 10, 2020

Description of Action Installation of nitrate treatment.  
**Permit No. 3620543**, Public Water Supply.

Applicant **Envigo Global Services Inc.**

Municipality West Cocalico Township

County **Lancaster County**

Responsible Official Greg L. Daub  
Facilities Supervisor  
310 Swamp Bridge Road  
Denver, PA 17517

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley &  
Associates, Inc.  
18 South George Street  
York, PA 17401

Application Received: November 18, 2020

Description of Action Installation of a caustic soda  
feed system for use in  
conjunction with the existing  
orthophosphate for LCR  
treatment.  
**Permit No. 3620544**, Public Water Supply.

Applicant **Conestoga Valley  
School District**

Municipality East Lampeter Township

County **Lancaster County**

Responsible Official Kenneth R. Johnson  
Director of Operations  
2110 Horseshoe Road  
Lancaster, PA 17601

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley &  
Associates, Inc.  
18 South George Street  
York, PA 17401

Application Received: November 18, 2020

Description of Action Replacement of the softener,  
nitrate treatment and booster  
pumps and instrumentation.

#### WATER ALLOCATIONS

**Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631–641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WA 47-1002A, Water Allocations. Valley Township Municipal Authority, Valley Township, Montour County.** Permit for Valley Township Municipal Authority to receive public water from Danville Municipal Authority via existing water mains along SR 54 to serve the Mausdale and surrounding areas in Valley Township (82,000 gpd quantity of allocation requested).

**WA 18-1004A, Water Allocations. Crawford Township Authority, 2552 Rauchtown Road, Jersey Shore, PA 17740 Crawford Township, Clinton County.** Permit to continue to withdraw water from Gottshall Run, Falling Spring, and Rauchtown Creek in Crawford Township, Clinton County.

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

##### UNDER ACT 2, 1995 PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101–6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Lehigh Hills**, 1301-1499 Church Street, Fogelsville, PA 18051, Upper Macungie Township, **Lehigh County**. Geo-Technology Associates, 2405 John Fries Highway,

Quakertown, PA 18951, on behalf of Jaindl Land Development, 3150 Coffeetown Road, Orefield, PA 18069, submitted a Notice of Intent to Remediate. Soil was contaminated with arsenic from historic orchard operations. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Lehigh Valley Press* on December 11, 2020.

**Former Ralph's Service Station**, 574 South Main Street, Nazareth, PA 18064, Nazareth Borough, **Northampton County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Ralph Murante, 409 Bushkill Center Road, Nazareth, PA 18064, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with petroleum from an underground storage tank. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in the *Express Times* on December 14, 2020.

**Zenith Energy Dupont Terminal**, 674 Suscon Road, Dupont, PA 18640, Pittston Township, **Luzerne County**. Onesky Engineering, 510 Wellington Square, # 412, Exton, PA 19341, on behalf of Zenith Energy Terminals PA Holdings, LLC, 3000 Essex Lane, Suite 700, Houston, TX 77027, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with petroleum from an aboveground storage tank. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in a local newspaper on August 12, 2020.

## 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 AT&T Relay Service at (800) 654-5984.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief, (484) 250-5920.*

**46-0005AX: Merck, Sharp & Dohme, Corp.** (770 Sumneytown Pike, West Point, PA 19486-0004) for the installation of a 2,000-kW natural gas-fired electric generator for non-emergency and peak shaving use in Building 56 and two 750-kW natural gas-fired generators for emergency use in Building 45 at an existing permitted Title V facility in Upper Gwynedd Township, **Montgomery County**. The Building 56 non-emergency generator will be restricted to 700 hours of operation per 12-month rolling period. Each of the Building 45 emergency generators will be restricted to 500 hours of operation per 12-month rolling period. The proposed engines incorporate lean-burn technology and are each equipped with turbochargers and aftercoolers to reduce NO<sub>x</sub> emissions. The engines incorporate the following state-of-the-art combustion controls: electronic fuel injection, computer-controlled air supply, and controlled engine timing to optimize the combustion process. The generators will be subject to 40 CFR Part 60, Subpart JJJJ. Combined

emissions from the three generators will result in the following ton/year air contaminants: VOC—2.45; NO<sub>x</sub>—3.50; CO—7.02; SO<sub>x</sub>—0.007; PM/PM<sub>10</sub>/PM<sub>2.5</sub>—0.12; and HAP—0.85. The installation of these sources does not trigger NSR or PSD regulations for NO<sub>x</sub>. However, the installation of these sources does trigger NSR for VOC on a 10-year look back from 2011 through 2020. This Plan Approval authorizes the transfer and use of the following VOC ERCs for offset purposes in accordance with 25 Pa. Code § 127.208(2):

<i>Source</i>	<i>Certified VOC ERCs (TPY)</i>
Merck, Sharp & Dohme West Point, Montgomery County	3.69 (ERC Registry)
Merck, Sharp & Dohme West Point, Montgomery County	1.12 (ERC Registry)
Exelon Generation Company, LLC Eddystone, Delaware County	5.81
Exelon Generation Company, LLC East Pikeland Township, Chester County	2.60
Exelon Generation Company, LLC Philadelphia, Philadelphia County	0.68
Quad Graphics, Inc. Atglen, Chester County	35.80

33.81 tons of the 49.7 tons of VOC ERCs will be used to offset proposed emission increases reflected under Plan Approval No. 46-0005AX, in accordance with 25 Pa. Code § 127.210 (relating to offset ratios). These VOC ERCs will provide emission offsets, at a ratio of 1.3 to 1, for emission increases of 26.01 tons of VOC. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft plan approval 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.*

**36-03182B: Charles F. Snyder Funeral Home & Crematory, Inc.** (3110 Lititz Pike, Lititz, PA 17543) for the installation of a human crematory at the funeral home located in Manheim Township, **Lancaster County**. The expected increases in facility emissions as a result of the changes proposed are: 3.2 tpy of PM, 3.0 tpy of NO<sub>x</sub>, 5.8 tpy of CO, 1.1 tpy of SO<sub>x</sub> and 1.4 tpy of VOCs. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. 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.

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**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*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.*

**07-03064: Cove Mountain Wood Products** (4168 Cove Mountain Road, Roaring Spring, PA 16673) to issue a State Only Operating Permit for the wood furniture manufacturing facility located in Taylor Township, **Blair County**. The actual emissions from the facility in 2019 year are estimated at 5.85 tons of VOC and 1.46 tons of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.51—General, and 25 Pa. Code § 129.52—Surface coating processes.

**67-03180: Treehouse Private Brands** (680 West Chestnut Street, Hanover, PA 17331) to issue an initial State Only Operating Permit for the pretzel manufacturing facility located in Hanover Borough, **York County**. The annual potential emissions for the facility are estimated at 29.8 tons NO<sub>x</sub>; 25.0 tons CO; 2.3 tons PM<sub>10</sub>; 2.3 tons PM<sub>2.5</sub>; 14.4 tons VOC; 0.2 ton SO<sub>x</sub>; and 0.6 ton total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, 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 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**03-00209: Buffalo Limestone, Inc./Stitt Mine Plant** (805 Garretts Run Road, Ford City, PA 16226). The Department intends to issue a Natural Minor State Only Operating Permit for the operation of a limestone plant located in Kittanning Township, **Armstrong County**. The operation of the facility's air contamination source consisting of: crushing, screening, transferring, stockpiling, and unloading/loading. The facility utilizes two diesel engines to operate the processing equipment. The potential emissions are estimated at 54.31 tpy NO<sub>x</sub>, 11.70 tpy CO, 3.59 tpy SO<sub>x</sub>, 4.33 tpy VOC, 5.43 tpy PM and 4.68 tpy PM<sub>10</sub>. The facility is subject to State Regulations. The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**PLAN APPROVALS**

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**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 400—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.*

**40-00146A:** Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Berry Global Films, LLC** (20 Elmwood Avenue, Mountaintop, PA 18707) for the installation & operation of plastic film manufacturing process at the facility located in Wright Township, **Luzerne County**.

The Department of Environmental Protection's (Department) review of the information submitted by Berry Global Films, LLC indicates that the plastic film manufacturing process will comply with all regulatory requirements pertaining to air contamination source and the emission of air contaminants including 25 Pa. Code § 123.41 for visible emissions and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. VOC emissions from the plant will be less than 50 TPY threshold limit, 12-month rolling sum. The company will use low VOC contains inks for their flexographic operations which will meets Department's BAT criteria for this type of process. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

The facility is a State Only facility. If the Department determines that the process is constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 40-00146A, the requirements established in the plan approval will be incorporated into State Only Operating Permit 40-000146 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northeast Regional Office, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review must be made by calling 570-826-2511.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00146A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that

such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Engineer Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

### COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on

a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant’s newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

#### Coal Applications Received

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 32841602 and NPDES No. PA0092631. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201-1504, renewal to the NPDES permit and mining activity permit for the Clymer Tipple in Cherryhill Township, **Indiana County**. Receiving stream: Dixon Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 28, 2020.

**Permit No. 56090101 and NPDES No. PA0262714. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557, permit renewal for continued operation of a bituminous surface mine from Elk Lick Township, **Somerset County**, affecting 173.0 acres. Receiving streams: unnamed tributary to/and Casselman River, unnamed tributaries to Piney Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 30, 2020.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, (Contact: Ashley Smith).*

**Permit No. 14940101 and NPDES PA0219932. Junior Coal Contracting, Inc.,** 2330 Six Mile Road, Philipsburg, PA 16866. Permit renewal for continued operation and restoration of a bituminous surface coal mine located in Rush Township, **Centre County** affecting 500.0 acres. Receiving stream(s): Several Unnamed Tributaries to Moshannon Creek and Moshannon Creek classified for the following use(s): TSF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: December 16, 2020.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 61110304 and NPDES Permit No. PA0259127. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803), revision to an existing large industrial mineral surface mine to add 44.0 acres and delete 27.0 acres, for a new total of 161.0 acres in Barkeyville Borough, **Venango County**. Receiving stream(s): Unnamed tributaries to East Branch Wolf Creek and an unnamed tributary to North Branch Slippery Rock Creek classified for the following use(s): CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: December 9, 2020.

### 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*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.*

**NPDES No. PA0256692 (Mining Permit No. 17080101), RES Coal LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, renewal for reclamation only of an NPDES permit for bituminous coal surface mining in Beccaria Township, **Clearfield County** affecting 271.1 acres. Receiving stream: Unnamed tributary to Clearfield Creek, classified for the following use(s): Cold Water Fishes. This receiving stream is included in the Clearfield Creek TMDL. Application received: August 13, 2020.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfall discharges to an unnamed tributary to Clearfield Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
005 (SPA)	N	Sediment

The proposed effluent limits for the previously listed outfall are as follows:

<i>Outfalls: 001 (Dry Weather)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)			Monitor & Report
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			
<i>Outfalls: 005 (≤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
Sulfate (mg/L)			Monitor & Report

*Outfalls: 005 (≤10-yr/24-hr Precip. Event)*  
*Parameter*

*30-Day  
 Average*

*Daily  
 Maximum*

*Instant.  
 Maximum*

Flow (gpm)  
 Temperature (°C)  
 Specific Conductivity (µmhos/cm)  
 pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
 Alkalinity must exceed acidity at all times.

Monitor & Report  
 Monitor & Report  
 Monitor & Report

*Outfalls: 005 (>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.

*New Stanton District Mining Office, P.O. Box 133, New Stanton, PA 15672, (724) 925.5500.*

**NPDES No. PA0117650 (Surface Mine Permit No. 30793024) Beazer East, Inc. c/o Three Rivers Management, Inc.**, 600 River Avenue, Suite 200, Pittsburgh, PA 15212, renewal of the existing NPDES permit for water treatment of post-mining discharges, located in Morgan Township, **Greene County**, affecting approximately 327.7 acres. Receiving stream(s): Unnamed tributaries to South Fork Tenmile Creek and South Fork Tenmile Creek, classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge near Milfred Terrace, PA on the Monongahela River. Application received: June 17, 2020.

The following outfalls drain to the South Fork Tenmile Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
TP1	N	TFO
AT	N	TFO
MT1	N	TFO
DLBT	N	TFO

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>30-Day                  Average</i>	<i>Daily                  Maximum</i>	<i>Instant.                  Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	2.0	4.0	5.0
Total Suspended Solids (mg/L)	35	70	90
Osmotic Pressure (mOsm/kg)		Report for Outfalls MT1 and DLBT	
Sulfates (mg/L)		Monitor and Report	
Total Dissolved Solids (mg/L)		Monitor and Report	
Specific Conductivity (µmhos/cm)		Monitor and Report	
Alkalinity must be greater than acidity at all times.			
pH must be between 6.0 and 9.0 at all times.			

*Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472.1900.*

**NPDES No. PA0599204 (Mining Permit No. 4275SM19). New Enterprise Stone & Lime Company, Inc.**, P.O. Box 77, New Enterprise, PA 16664, permit renewal for noncoal surface mine in Spruce Creek and Warriors Mark Townships, **Huntingdon County**, affecting 533.7 acres. Receiving streams: Little Juniata River classified for following use: cold water fishes. Application received: December 21, 2020.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following outfalls discharge to: Little Juniata River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

*Outfalls: (All Weather Conditions)*  
*Parameter*

*30-Day  
 Average*

*Daily  
 Maximum*

*Instant.  
 Maximum*

Total Suspended Solids (mg/l)                      35.0                      70.0                      90.0

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.*

**NPDES No. PA0244811 (Mining Permit No. 57000301), Dushore Materials, LLC**, 8700 Route 220, Dushore, PA 18614, Renewal of an NPDES permit for large noncoal surface mining in Cherry Township, **Sullivan County** affecting 157.3 acres. Receiving stream(s): Unnamed tributary to Birch Creek, classified for the following use(s): CWF, MF. Application received: August 7, 2020.

The following outfalls discharge to Unnamed tributary to Birch Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Sediment
002	N	Sediment



The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35	70	90
Flow (gpm or MGD)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

## 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 AT&T Relay Service at (800) 654-5984.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

#### Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E5704120-023: PA DOT Engineering District 3-0**, 715 Jordan Ave., Montoursville, PA 17754, SR 0087, Segment 0260, Offset 0915, Gravel Bar Removal, Forksville Borough, **Sullivan County**, Baltimore ACOE (Eagles Mere, PA Quadrangle N: 41° 29' 30"; W: -76° 36' 11").

PA DOT proposes to remove debris, deposition and a gravel bar along Loyalsock Creek. This application is a flood follow up permit resulting from the 2018 flooding. This project was authorized under Emergency Permit Number EP5718512 PA DOT. PA DOT removed debris, deposition, and a gravel bar for approximately 500 L.F. along the left side of Loyalsock Creek. The area is approximately 110 Ft. wide. Construction access along the left downstream bank was existing. The gravel bar was removed to an elevation approximately six inches above water level. No jurisdictional wetlands were impacted by this project. Loyalsock Creek is classified as an Exceptional Value Stream by Title 25, Chapter 93 Water Quality Standards and a Stocked Trout Stream by PA Fish and Boat Commission.

**E5704120-022: PA DOT Engineering District 3-0**, 715 Jordan Ave., Montoursville, PA 17754, SR 4016, Segment 0090, Offset 1271, Pipe Replacement, Forks Township, **Sullivan County**, Baltimore ACOE (Overton, PA Quadrangle N: 41° 33' 04"; W: -76° 33' 30").

PA DOT proposes to replace 70 L.F. of 50-inch Reinforced Concrete Pipe in kind and place 40 L.F. of Grouted R-7 Rip Rap. This application is a flood follow up permit resulting from the 2018 flooding. This project was authorized and constructed under Emergency Permit Number EP5718509 PA DOT. Both the existing and proposed conditions are not likely to provide aquatic passage due to the steep slope of the downstream channel. The drainage area for this project is approximately 96 acres. No jurisdictional wetlands were impacted by this project. The pipe replacement is located over an Unnamed Tributary to Streby Run. Streby Run is classified as a Cold-Water Fishery Stream by Title 25, Chapter 93 Water Quality Standards and a Wild Trout Stream by PA Fish and Boat Commission.

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E0205220-028, Maplecrest, LLC**; Municipality of Monroeville, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct, operate, and maintain 90 LF of a 30-inch concrete culvert associated with a roadway crossing.
2. Construct, operate, and maintain a 3-inch gas line within the same location as the previously-mentioned roadway crossing.
3. Construct, operate, and maintain an 8-inch water line within the same location as the previously-mentioned roadway crossing.
4. Construct, operate, and maintain an 8-inch sanitary line within the same location as the previously-mentioned roadway crossing.
5. Place and maintain fill within approximately 381 LF of an unnamed tributary (UNT) to Thompson Run (WWF) (Encroachment Area: Watercourse K) to allow for lot development and to construct and maintain approxi-

mately 548 LF of relocated watercourse as mitigation for the filling of 381 LF of the UNT.

6. The project will temporarily impact 0.004 acre of floodway and 55 LF of stream from combined impacts to Watercourses B, H, and L during the previously-mentioned utility lines and culvert installation.

7. The project will permanently impact 0.07 acre PEM wetland (Encroachment Area: Wetland D) in the form of filling for lot development, 0.02 acre of floodway due to utility line installation, and 476 LF of stream from combined filling for lot development, culvert, and utility installation.

8. The project proposes to create 0.10 acre of PEM wetland habitat as onsite mitigation for 0.07 acre of PEM wetland proposed to be filled.

9. The project proposes to create 548 LF of stream channel as onsite mitigation for 381 LF of stream channel proposed to be filled.

For the purpose of developing, 40 additional single family lots for the third phase of a development known as Maplecrest. The total site is 72.7 acres and includes 138 single family lots, inclusive of the 40 additional lots proposed in this third phase, herein. The project site is located to the south along Maplecrest Lane and to the west of the intersection of Logans Ferry Road with Maplecrest Lane (Braddock, PA USGS topographic quadrangle; N: 40°, 27', 18"; W: -79°, 46', 43"; Sub-basin 19A; USACE Pittsburgh District), in the Municipality of Monroeville, Allegheny County.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. E5829220-031, Williams Field Services Company, LLC**, 310 State Rt 29 N, Tunkhannock, PA 18657-6817, Natural Gas Pipeline, Middletown Township, **Susquehanna County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

1. a permanent access road (temporary access) crossing impacting 3,616 square feet (0.08 acre) of palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 51' 0.10", Longitude: -76° 02' 45"),

2. an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 5,614 square feet (0.13 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 50' 58", Longitude: -76° 02' 46"),

3. an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,533 square feet (0.04 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 50' 56", Longitude: -76° 02' 49"),

4. an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 25,503 square feet (0.59 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 50' 52", Longitude: -76° 02' 51"),

5. an 8-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 67 lineal feet of unnamed tributary to Middle Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 49", Longitude: -76° 02' 54"),

6. an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 350 square feet

(0.01 acre) of palustrine forested wetlands (PFO) (Lawton, PA Quadrangle; Latitude: 41° 50' 49", Longitude: -76° 02' 54"),

7. an 8-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 51 lineal feet of unnamed tributary to Middle Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 49", Longitude: -76° 02' 55"),

8. an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 401 square feet (0.01 acre) of palustrine scrub-shrub wetlands (PSS) (Lawton, PA Quadrangle; Latitude: 41° 50' 48", Longitude: -76° 02' 55"),

9. an 8-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 73 lineal feet of unnamed tributary to Middle Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 44", Longitude: -76° 02' 59"),

10. an 8-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 4,340 square feet (0.10 acre) of palustrine scrub-shrub wetlands (PSS) (Lawton, PA Quadrangle; Latitude: 41° 50' 44", Longitude: -76° 02' 59").

The Williams Guiton P. P1 Well Connect pipeline proposes to construct approximately 0.6 mile of 8-inch diameter pipeline Middletown Township, Susquehanna County. The project will result in 191 lineal feet of stream impacts, 36,286 square feet (0.83 acre) of PEM wetlands, 4,741 square feet (0.11 acre) of PSS wetlands, and 350 square feet (0.01 acre) of PFO wetlands for the purpose of providing safe reliable storage and conveyance of Marcellus Shale natural gas to market.

**E0829220-033: Appalachia Midstream, LLC**, 30351 Route 6, Wysox, PA 18854, Monroe and Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12-inch diameter natural gas line and a temporary timber mat bridge impacting 56 linear feet of an unnamed tributary to Millstone Creek (HQ-CWF, MF) (Monroeton, PA Quadrangle, Latitude: 41° 40' 00", Longitude: -76° 29' 53");

2. a 12-inch diameter natural gas line and a temporary timber mat bridge impacting 54 linear feet of an unnamed tributary to Millstone Creek (HQ-CWF, MF) (Powell, PA Quadrangle, Latitude: 41° 39' 42", Longitude: -76° 30' 06");

3. a 12-inch diameter natural gas line and a temporary timber mat bridge impacting 50 linear feet of an unnamed tributary to Millstone Creek (HQ-CWF, MF) (Powell, PA Quadrangle, Latitude: 41° 39' 33", Longitude: -76° 30' 56");

4. a 12-inch diameter natural gas line and a temporary timber mat bridge impacting 52 linear feet of an unnamed tributary to Millstone Creek (HQ-CWF, MF) (Powell, PA Quadrangle, Latitude: 41° 39' 33", Longitude: -76° 31' 01");

5. a 12-inch diameter natural gas line and a temporary timber mat bridge impacting 178 linear feet of an unnamed tributary to Millstone Creek (HQ-CWF, MF) and impacting 829 square feet of an adjacent Palustrine Emergent Wetland (EV) (Powell, PA Quadrangle, Latitude: 41° 39' 32", Longitude: -76° 31' 04");

6. a 12-inch diameter natural gas line and a temporary timber mat bridge impacting 130 linear feet of Millstone

Creek (HQ-CWF, MF) (Powell, PA Quadrangle, Latitude: 41° 39' 32", Longitude: -76° 31' 07");

7. a 12-inch diameter natural gas line and a temporary timber mat bridge impacting 54 linear feet of an unnamed tributary to Millstone Creek (HQ-CWF, MF) (Powell, PA Quadrangle, Latitude: 41° 39' 32", Longitude: -76° 31' 10");

8. a temporary timber mat bridge impacting 90 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41° 39' 36", Longitude: -76° 31' 23");

The project will result in 574 linear feet or 7,103 square feet of temporary stream impacts and 919 square feet (0.02 acre) of PEM impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Monroe and Overton Township, Bradford County.

**Permit No. E5829220-032, Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Temporary Freshwater Pipeline, Rush Township, **Susquehanna County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

1. a 16-inch diameter temporary freshwater pipeline and temporary timber mat crossing impacting 1,958 square feet (0.05 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 45' 54", Longitude: -76° 03' 26"),

2. a 16-inch diameter temporary freshwater pipeline crossing impacting 9 square feet (0.01 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 45' 54", Longitude: -76° 03' 22"),

3. a 16-inch diameter temporary freshwater pipeline and temporary timber mat crossing impacting 9 square feet (0.01 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 45' 51", Longitude: -76° 03' 17"),

4. a 16-inch diameter temporary freshwater pipeline and temporary timber mat crossing impacting 475 square feet (0.01 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 45' 51", Longitude: -76° 03' 15"),

5. a 16-inch diameter temporary freshwater pipeline and temporary timber mat crossing impacting 4,289 square feet (0.10 acre) of palustrine emergent wetlands (PEM) and 3,207 square feet (0.07 acre) of palustrine scrub-shrub wetlands (PSS) (Lawton, PA Quadrangle; Latitude: 41° 45' 48", Longitude: -76° 03' 07"),

6. a 16-inch diameter temporary freshwater pipeline and temporary timber mat bridge crossing impacting 126 linear feet of Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 45' 47", Longitude: -76° 03' 07").

The North Marcellus LRJ WP—Juser WP Temporary Water pipeline proposes to construct approximately 1.27 miles (6,725 feet) of 16-inch diameter water pipeline in Rush Township, Susquehanna County. The project will result in 126 linear feet of stream impacts, 10,217 square feet (0.23 acre) of PEM wetlands, and 3,207 square feet (0.07 acre) of PSS wetlands for the purpose of providing safe reliable conveyance of freshwater for Marcellus shale well development.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a, including links to Individual NPDES and WQM Permits, may be reviewed by generating the "Final Actions Report" on DEP's website at [www.dep.pa.gov/CWPUBLICNOTICE](http://www.dep.pa.gov/CWPUBLICNOTICE).

DEP office contact information to review official files relating to the final actions in Section I. is as follows:

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

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

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

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

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to

Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T 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 &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0267163	Industrial Stormwater Individual NPDES Permit	Issued	Alcon Research LLC 700 Old Fritztown Road Reading, PA 19608-9149	Spring Township Berks County	SCRO
0916803	Joint DEP/PFBC Pesticides Permit	Issued	Tim Post 3780 W Brandon Way Doylestown, PA 18902-6234	Buckingham Township Bucks County	SERO
0916809	Joint DEP/PFBC Pesticides Permit	Issued	Theodore Landis 1021 Church Road Hatfield, PA 19440-1016	Hilltown Township Bucks County	SERO
1513832	Joint DEP/PFBC Pesticides Permit	Issued	Donna Beers 790 Grubbs Mill Road Berwyn, PA 19312-1520	Willistown Township Chester County	SERO
1516812	Joint DEP/PFBC Pesticides Permit	Issued	Hoa Waynesbrooke 422 Waynesbrooke Road Berwyn, PA 19312-2060	Easttown Township Chester County	SERO
1516814	Joint DEP/PFBC Pesticides Permit	Issued	Joe Wajdula 185 Beaumont Road Devon, PA 19333-1848	Easttown Township Chester County	SERO
1516819	Joint DEP/PFBC Pesticides Permit	Issued	Hoa Berkeley 402 Chester Road Devon, PA 19333-1655	Easttown Township Chester County	SERO
2317803	Joint DEP/PFBC Pesticides Permit	Issued	Liz Ball 1889 Spring Valley Drive Springfield, PA 19064	Upper Providence Township Delaware County	SERO
4613902	Joint DEP/PFBC Pesticides Permit	Issued	Salford Township Montgomery County 139 Ridge Road Tylersport, PA 18971-0054	Salford Township Montgomery County	SERO
6516801	Joint DEP/PFBC Pesticides Permit	Issued	Ligonier Camp & Conference Center 188 Macartney Lane Ligonier, PA 15658-2708	Ligonier Township Westmoreland County	SWRO
PA0221236	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Roberta J. Brocklehurst 306 Fox Mine Road Jackson Center, PA 16133-1434	Jackson Township Mercer County	NWRO
PA0221961	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Timberlee Valley Sanitary Co. Inc. 800 S Washington Street Evans City, PA 16033-9208	Connoquenessing Township Butler County	NWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0033782	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Timberend Estates MHC LLC 1199 Lancaster Avenue Suite 100 Berwyn, PA 19312-1341	Fairfield Township Lycoming County	NCRO
NOEXSE267	No Exposure Certification	Issued	Ipsen Inc. 1946 E Cherry Lane Suite B Souderton, PA 18964-1030	Hilltown Township Bucks County	SERO
NOEXSW197	No Exposure Certification	Issued	Drs Laurel Tech 246 Airport Road Johnstown, PA 15904-7224	Richland Township Cambria County	SWRO
NOEXSW204	No Exposure Certification	Issued	Advanced Acoustic Concepts Inc. 1080 Eberly Way Lemont Furnace, PA 15456-1010	North Union Township Fayette County	SWRO
PAG032273	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Centre Concrete Northeast 629 East Rolling Ridge Drive P.O. Box 859 Bellefonte, PA 16823	Newport Township Luzerne County	NERO
PAG032274	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Centre Concrete Northeast 629 East Rolling Ridge Drive P.O. Box 859 Bellefonte, PA 16823	Pittston Township Luzerne County	NERO
PAG033561	PAG-03 NPDES General Permit for Industrial Stormwater	Denied	Progress Auto Salvage Inc. 964 Old Rossville Road Lewisberry, PA 17339	Newberry Township York County	SCRO
PAG036286	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Michael Bros Adamsburg LLC P.O. Box 157 Bethel Park, PA 15102-0157	Hempfield Township Westmoreland County	SWRO
PAG036287	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Golden Triangle Const Co. Inc. 8555 Old Steubenville Pike Imperial, PA 15126	Harmar Township Allegheny County	SWRO
PAR150005	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Master Builders Solutions US LLC 6450 Bristol Pike Levittown, PA 19057-4916	Bristol Township Bucks County	SERO
PAR200009	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	MPC West Chester LLC 810 Lincoln Avenue West Chester, PA 19380	West Goshen Township Chester County	SERO
0694424	Sewage Treatment Facilities Individual WQM Permit	Issued	Centre Township Municipal Authority Berks County 449 Bucks Hill Road Mohrsville, PA 19541-9340	Centre Township Berks County	SCRO
4173403	Sewage Treatment Facilities Individual WQM Permit	Issued	Timberend Estates MHC LLC 1199 Lancaster Avenue Suite 100 Berwyn, PA 19312-1341	Fairfield Township Lycoming County	NCRO
6089414	Sewage Treatment Facilities Individual WQM Permit	Issued	Artem V Domashevskiy & Jason A Domashevskiy 175 Eagle Lane Millmont, PA 17845-9443	Hartley Township Union County	NCRO
6120403	Sewage Treatment Facilities Individual WQM Permit	Issued	John M. Yoder 14048 Higby Hill Road Townville, PA 16360-1328	Cherrytree Township Venango County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1407408 A-3	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	The Pennsylvania State University 139J Physical Plant Building University Park, PA 16802	State College Borough Centre County	NCRO
0320403	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Ford City Borough Municipal Sewer Disposal Authority P.O. Box 66 Ford City, PA 16226-0066	Ford City Borough Armstrong County	NWRO
PA0114316	Single Residence STP Individual NPDES Permit	Issued	Artem V Domashevskiy & Jason A Domashevskiy 175 Eagle Lane Millmont, PA 17845-9443	Hartley Township Union County	NCRO
PA0244732	Single Residence STP Individual NPDES Permit	Issued	Mark Huber 1305 Yellow Springs Road Chester Springs, PA 19425-1505	East Pikeland Township Chester County	SERO
PA0288748	Single Residence STP Individual NPDES Permit	Issued	John M. Yoder 14048 Higby Hill Road Townville, PA 16360-1328	Cherrytree Township Venango County	NWRO
PA0228362	Small Flow Treatment Facility Individual NPDES Permit	Issued	Kevin J & Laurie A Darling 511 Lake Drive Titusville, FL 32780-2535	Plunketts Creek Township Lycoming County	NCRO

## 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 &amp; Address</i>	<i>Municipality and County</i>	<i>Office</i>
PAC090408	PAG-02 General Permit	Issued	Danielle Kulp 109 Ealer Hill Road Kintnersville, PA 18930-9663	Bedminster Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC090403	PAG-02 General Permit	Issued	ELU DeLuca Yardley, LLC 370 East Maple Avenue Suite 101 Langhorne, PA 19047-2859	Lower Makefield Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC090401	PAG-02 General Permit	Issued	Andrew Joudenko 949 Spring View Drive Southampton, PA 18966-4322	Buckingham Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC460426	PAG-02 General Permit	Issued	Provco Partners LP 795 E Lancaster Avenue Suite 200 Villanova, PA 19085	Upper Merion Township Montgomery County	Montgomery County Conservation District 143 Level Rd Collegeville, PA 19426 610-489-4506
PAC460488	PAG-02 General Permit	Issued	Bradwoods Corp 188 Bechtel Road Collegeville, PA 19426	Upper Providence Township Montgomery County	Montgomery County Conservation District 143 Level Rd Collegeville, PA 19426 610-489-4506
PAC460331	PAG-02 General Permit	Issued	Maple Green LLC 932 Sturgis Lane Lower Gwynedd, PA 19002	Upper Gwynedd Township Montgomery County	Montgomery County Conservation District 143 Level Rd Collegeville, PA 19426 610-489-4506

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality and County</i>	<i>Office</i>
PAC460489	PAG-02 General Permit	Issued	502 Township Line Road Lawyers LLC P.O. Box 408 795 E Lancaster Ave Villanova, PA 19085-0428	Franconia Township Montgomery County	Montgomery County Conservation District 143 Level Rd Collegeville, PA 19426 610-489-4506
PAC460496	PAG-02 General Permit	Issued	JERC Partners 171 State Route 173 Suite 201 Asbury, NJ 08802	Lower Salford Township Montgomery County	Montgomery County Conservation District 143 Level Rd Collegeville, PA 19426 610-489-4506
PAC460486	PAG-02 General Permit	Issued	Woodfield Monument LLC 900 West Valley Road Suite 201 Wayne, PA 19087	Lower Merion Township Montgomery County	Montgomery County Conservation District 143 Level Rd Collegeville, PA 19426 610-489-4506
PAC460515	PAG-02 General Permit	Issued	MKS Property Management LLC 2011 Saffron Way Collegeville, PA 19426	Skippack Township Montgomery County	Montgomery County Conservation District 143 Level Rd Collegeville, PA 19426 610-489-4506
PAC090389	PAG-02 General Permit	Issued	Woodbury Grove Investors, LP 370 East Maple Avenue Suite 101 Langhorne, PA 19047-2838	Northampton Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC090406	PAG-02 General Permit	Issued	Richboro Plaza Associates, LP 307 Fellowship Road Suite 300 Mt. Laurel, NJ 08054	Northampton Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC090400	PAG-02 General Permit	Issued	Richard A. Tisone 226 Village Way Chalfont, PA 18914-1841	Plumstead Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC150232	PAG-02	Issued	Dr. Susan B. Ward & Dr. Gary Wingate 1197 Saint Andrews Lane West Chester, PA 1938	Pocopson Township Chester County	Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360
PAC520005	PAG-02 General Permit	Issued	Westfall Sr. Apts 1 Association, LLC Attn: Jonah Mandelbaum 2 Liberty Court Suite 3 Warwick, NY 10990-5013	Westfall Pike County	Pike County Conservation District 556 Route 402 Suite 1, Hawley PA 18428 570-226-8220
PAD070009	Individual NPDES	Issued	Sandy Ridge Wind 2, LLC 354 Davis Road Suite 100 Oakville, ON L6J2X1 Canada	Snyder Township Blair County Rush Township Taylor Township Centre County	SCRO, Waterways & Wetlands Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality and County</i>	<i>Office</i>
PAD050008	Individual NPDES	Issued	Bedford Area School District 330 East John Street Bedford, PA 15522-1427	Borough of Bedford Bedford County	SCRO, Waterways & Wetlands Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
PAC220258	PAG-02 General Permit	Issued	PPL Electric Utilities Corporation 2 North 9th Street GENN4 Allentown, PA 18101	Derry Township Lower Swatara Township Steelton Borough Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
PAC220253	PAG-02 General Permit	Issued	PPL Electric Utilities Corporation 2 North 9th 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
PAC380188	PAG-02 General Permit	Issued	Collins Self Storage, LLC 535 Shirksville Road Jonestown, PA 17038	Bethel Township Lebanon County	York County Conservation District 2401 Pleasant Valley Road Suite 101, Room 139 York, PA 17402 (717) 840-7430
PAC340033	PAG-02 General Permit	Issued	Andrea Imes 191 Earl Road Port Royal, PA 17082	Spruce Hill Township Juniata County	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059-8709 717.436.8953, ext. 5
PAC670435	PAG-02 General Permit	Issued	Inch & Company Construction 2950 Lewisberry Road York, PA 17406	York Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101, Room 139 York, PA 17402 (717) 840-7430
PAC670409	PAG-02 General Permit	Issued	Jarrettsville Truss Company 3805 Norrisville Road Jarrettsville, MD 21084	Peach Bottom Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101, Room 139 York, PA 17402 (717) 840-7430
PAC670446 A-1	PAG-02 General Permit	Issued	Two Farms, Inc. d/b/a Royal Farms 3611 Roland Avenue Baltimore, MD 21211	Peach Bottom Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101, Room 139 York, PA 17402 (717) 840-7430
PAC110072	PAG-02 General Permit	Issued	Greater Johnstown Career and Technology Center 445 Schoolhouse Road Johnstown, PA 15904	Richland Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120



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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality and County</i>	<i>Office</i>
PAC560049	PAG-02 General Permit	Issued	Guy Chemical Company, Inc. 150 South Dominion Drive Somerset, PA 15501	Somerset Township Somerset County	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
PAC630194	PAG-02 General Permit	Issued	Donegal Township P.O. Box 310 West Alexander, PA 15376	Donegal Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
PAC650030 A-2	PAG-02 General Permit	Issued	Westmoreland County Airport Authority 148 Aviation Lane, # 103 Latrobe, PA 15650	Unity Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650148 A-1	PAG-02 General Permit	Issued	PennDOT District 12-0 825 North Gallatin Avenue Uniontown, PA 15041 co-permittee Trumbull Corporation 225 North Shore Drive Pittsburgh, PA 15212	South Huntingdon Township Sewickley Township Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650178 A-1	PAG-02 General Permit	Issued	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672	Hempfield Township Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650197	PAG-02 General Permit	Issued	Westmoreland Municipal Authority 12411 Route 993 North Huntingdon, PA 15642	Manor Borough North Irwin Borough North Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650203	PAG-02 General Permit	Issued	Richard Miller West Penn Power Company a FirstEnergy Company 800 Cabin Hill Drive Greensburg, PA 15601	Sewickley Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650211	PAG-02 General Permit	Issued	National Retail Properties Trust/Camping World 250 Parkway Drive Suite 270 Lincolnshire, IL 60069	Allegheny Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650214	PAG-02 General Permit	Issued	WP Latrobe Development, LLC 645 East Pittsburgh Street Greensburg, PA 15601	Unity Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality and County</i>	<i>Office</i>
PAC650219	PAG-02 General Permit	Issued	PennDOT Engineering District 12 825 North Gallatin Avenue Extension Uniontown, PA 15401-2105	Mount Pleasant Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650222	PAG-02 General Permit	Issued	Pennsylvania Turnpike Commission 2200 North Center Avenue New Stanton, PA 15672-9602	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650223	PAG-02 General Permit	Issued	Penn Township Sewage Authority 1032 Nike Site Road Irwin, PA 15643	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650224	PAG-02 General Permit	Issued	Gary Graham Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106-7676	Donegal Township Donegal Borough Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650230	PAG-02 General Permit	Issued	PTV 1149, LLC Building 4 Suite 1000 400 Penn Center Boulevard Pittsburgh, PA 15235	Washington Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650235	PAG-02 General Permit	Issued	Mount Lindenwood, LLC 262 Freeport Road Pittsburgh, PA 15238	Fairfield Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650237	PAG-02 General Permit	Issued	Kaforey Holdings II, LP 702 Prominence Drive New Kensington, PA 15068	Upper Burrell Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650240	PAG-02 General Permit	Issued	Colony of Irwin, LLC 8954 Hill Drive North Huntingdon, PA 15643	North Huntingdon Township Irwin Borough Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

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PAC650241	PAG-02 General Permit	Issued	Ligonier Stone and Lime Company 117 Marcia Street Latrobe, PA 15650	Loyalhanna Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650243	PAG-02 General Permit	Issued	Somerset Trust Company P.O. Box 777 151 West Main Street Somerset, PA 15501-2041	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAD020034	Individual NPDES	Issued	CSX Transportation, Inc. 500 Water Street S/C J350 Jacksonville, FL 32202	Stowe Township Allegheny County	SWRO Waterways and Wetlands Program 400 Waterfront Drive Pittsburgh, PA 15222 (412) 442-4000
PAD250010	Individual NPDES	Issued	Stephen P. and Jodie A. Jones P.O. Box 251 Harborcreek, PA 16421	North East Township Erie County	NWRO Waterways and Wetlands Program 230 Chestnut Street Meadville, PA 16335 814-332-6984
PAC250120	General Permit	Issued	Mr. Kenton C. Andryc 10305 North Park Drive Lake City, PA 16423	Washington Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250115	General Permit	Issued	Erie Regional Airport Authority 4411 West 12th Street Erie, PA 16505	Millcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

## 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 AT&T 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.

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### 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. 3920504MA**, Public Water Supply.

Applicant	<b>Lehigh County Authority</b> (Arcadia West Storage Tank Replacement) 1053 Spruce Road Allentown, PA 18106
Municipality	Weisenberg Township

County **Lehigh County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Daniel John Hopkins, P.E.  
 Entech Engineering  
 201 North Penn Street  
 Reading, PA 19603  
 Permit to Construct Issued January 4, 2021  
**Permit No. 3480029, Operation Permit, Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
 204 E. Sunbury Street  
 Shamokin, PA 17872  
 Municipality Moore Township  
 County **Northampton County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Peter J. Lusardi, P.E.  
 GHD, Inc.  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Permit Issued December 29, 2020  
 Description of Action Tank replacement project at the  
 Evanwood Water System located  
 at 2493 Evanwood Road in  
 Moore Township.

**Permit No. 6620501MA, Construction Permit, Public Water Supply.**

Applicant **D&C Fuel Sales, Inc.**  
 6313 State Route 6  
 Tunkhannock, PA 18657  
 Municipality Tunkhannock Township  
 County **Wyoming County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Michael P. Goodwin, P.E.  
 Milnes Engineering, Inc.  
 12 Frear Hill Road  
 Tunkhannock, PA 18657  
 Permit to Construct Issued November 20, 2020  
 Description of Action New well and manganese  
 treatment system.

**Permit No. 3480912, Operation Permit, Public Water Supply.**

Applicant **Mountain View Drive-In**  
 172 East Aluta Mill Road  
 Bushkill Township, PA 18064  
 Municipality Bushkill Township  
 County **Northampton County**  
 Type of Facility Public Water Supply  
 Consulting Engineer J. Bradley Youst, P.E.  
 Hanover Engineering Associates,  
 Inc.  
 252 Brodhead Road  
 Suite 100  
 Bethlehem, PA 18017  
 Permit Issued November 18, 2020

*Southcentral Region: Safe Drinking Water Program  
 Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0620502, Public Water Supply.**  
 Applicant **Bethany Evangelical  
 Congregational Church**  
 Municipality Washington Township  
 County **Berks County**  
 Responsible Official Ross Campbell  
 Board Representative  
 14 Church Hill Road  
 Barto, PA 19504  
 Type of Facility Installation of anion exchange  
 for nitrate removal treatment.  
 Consulting Engineer Jeremy S. Madaras, P.E.  
 J.S. Madaras Consulting LLC  
 250 Indian Lane  
 Boyertown, PA 19512  
 Permit to Construct Issued December 10, 2020

**Permit No. 3620518, Public Water Supply.**  
 Applicant **Manor Care of  
 Lancaster PA, LLC**  
 Municipality Lancaster  
 County **Lancaster County**  
 Responsible Official Richard Snoddy  
 Senior Director Plant Operations  
 and Construction  
 333 North Summit Street  
 Toledo, OH 43504  
 Type of Facility Installation of an iClor  
 disinfection system as secondary  
 disinfection.  
 Consulting Engineer Wayne F. Jacobs, P.E.  
 Jacobs Engineering Associates  
 1914 Mt Royal Blvd  
 Glenshaw, PA 15116  
 Permit to Construct Issued December 3, 2020

**Permit No. 2220506, Public Water Supply.**  
 Applicant **Pennsylvania American  
 Water Company**  
 Municipality West Hanover Township  
 County **Dauphin County**  
 Responsible Official Bruce Aiton  
 Vice President—Engineering  
 852 Wesley Park Drive  
 Mechanicsburg, PA 17055  
 Type of Facility Installation of the Winslett  
 Booster Pump Station.  
 Consulting Engineer Max E. Stoner, P.E.  
 Glace Associates, Inc.  
 3705 Trindle Rd  
 Camp Hill, PA 17011  
 Permit to Construct Issued December 4, 2020  
**Permit No. 3620531 MA, Minor Amendment, Public Water Supply.**  
 Applicant **Ephrata Area Joint Authority**

Municipality Ephrata Borough  
 County **Lancaster County**  
 Responsible Official Charles M. Nigrelli  
 Waster/Wastewater Manager  
 301 Church Avenue  
 Ephrata, PA 17522

Type of Facility Modification for the existing clearwell including the installation of baffles and fixing tank corrosion issues.

Consulting Engineer Mike Knouse, P.E.  
 RETTEW Associates  
 3020 Columbia Avenue  
 Lancaster, PA 17603

Permit to Construct Issued November 24, 2020

**Permit No. 2820510 MA, Minor Amendment, Public Water Supply.**

Applicant **Greencastle Area Franklin County Water Authority**

Municipality Greencastle Borough  
 County **Franklin County**  
 Responsible Official Lorraine Hohl  
 Borough Manager  
 60 North Washington Street  
 Greencastle, PA 17225

Type of Facility Removal of chemical use from permit, demolition of abandoned building onsite, replacemnt of filter effluent turbidimeters, nitrate removal media changeout & updated piping materials.

Consulting Engineer Timothy J. Glessner, P.E.  
 Gannett Fleming, Inc.  
 207 Senate Avenue  
 Camp Hill, PA 17011

Permit to Construct Issued December 10, 2020

**Operation Permit No. 0618506** issued to: **Western Berks Water Authority (PWS ID No. 3060066)**, Lower Heidelberg Township, **Berks County** on December 18, 2020 for facilities approved under Construction Permit No. 0618506.

**Comprehensive Operation Permit No. 4070022** issued to: **Williamsburg Municipal Authority (PWS ID No. 4070022)**, Woodbury Township, **Blair County** on December 29, 2020 for the operation of facilities approved under Construction Permit No. 0718501.

**Operation Permit No. 4420503** issued to: **The Municipal Authority of the Borough of Lewistown (PWS ID No. 4440010)**, Armagh Township, **Mifflin County** on November 19, 2020 for facilities approved under Construction Permit No. 4420503.

**Operation Permit No. 0720505 MA** issued to: **Martinsburg Municipal Authority (PWS ID No. 4070030)**, North Woodbury Township, **Blair County** on December 10, 2020 for facilities approved under Construction Permit No. 0720505 MA.

**Transferred Comprehensive Operation Permit No. 7500856** issued to: **Paradise Stream Family Campground (PWS ID No. 7500856)**, **Perry County** on December 9, 2020. Action is for a Change in Ownership

for the operation of facilities previously issued to Paradise Stream Family Campground.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Operations Permit** issued to: **Bloss Township Supervisors**, P.O. Box 70, Arnot, PA 16911, **PWSID No. 2590044**, Bloss Township, **Tioga County** on December 30, 2020 for the operation of facilities approved under construction permits # MA-GWR-T1, 5991507-T1, MA (6/5/1985)-T1, 8775-W-T1. This permit will find all valid public water supply permits (referenced previously) which are hereby transferred from Bloss Township Municipal Authority to Bloss Township Supervisors.

**Operations Permit** issued to: **Renovo Borough Water Authority**, 128 Fifth Street, Renovo, PA 17764, **PWSID No. 4180058**, Renovo Township, **Clinton County** on December 30, 2020 for the operation of facilities approved under construction permits # 1820501-MA. This permit authorizes operation of a turbidimeter and a motorized butterfly valve on each filter's effluent line at the slow sand filter plant for continuous monitoring of turbidity in the effluent from each filter with alarm and shutdown capabilities that comply with 25 Pa. Code §§ 109.301(1)(iii) and 109.602(g), along with a paperless recorder and a solar panel system for new equipment/lights.

#### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5980.*

*Contact: Kimberleigh Rivers, Clerk Typist 2, 424.250.5887.*

**WA-23-648A, Water Allocations. SUEZ Water Bethel**, 2000 First State Boulevard, Wilmington, DE 19804, Wilmington Township, **Delaware County**. Renewal of water allocation permit in Delaware County.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA26-1010, Water Allocations. Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, **Cumberland County**. The right to purchase 50,000 gallons of water per day from the Indian Creek Valley Water Authority.

**WA-625E, Water Allocations. Municipal Authority of the Township of Robinson**, 4200 Campbells Run Road, Pittsburgh, PA 15205, **Allegheny County**. The right to withdraw up to 6 million gallons of water per day from the Ohio River.

**WA2-882E, Water Allocations. Findlay Township Municipal Authority**, 1271 Route 30, P.O. Box 409, Findlay Township, PA 15026, **Allegheny County**. The right to purchase 500,000 gallons of water per day from the Moon Township Municipal Authority.

**WA2-882F, Water Allocations. Findlay Township Municipal Authority**, 1271 Route 30, P.O. Box 409, Findlay Township, PA 15026, **Allegheny County**. The right to purchase 200,000 gallons of water per day from the Western Allegheny County Municipal Authority.

**WA2-882G, Water Allocations. Findlay Township Municipal Authority**, 1271 Route 30, P.O. Box 409, Findlay Township, PA 15026, **Allegheny County**. The right to purchase 4,800,000 gallons of water per day from the Municipal Authority of the Township of Robinson.

**WA2-882H, Water Allocations. Findlay Township Municipal Authority**, 1271 Route 30, P.O. Box 409, Findlay Township, PA 15026, **Allegheny County**. The right to purchase 2,000,000 gallons of water per day from the Pennsylvania American Water Company.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**GE Elmwood Avenue Facility**, 6901 Elmwood Avenue, Philadelphia, PA 19142, City of Philadelphia, **Philadelphia County**. Darren Szuch, Arcadis U.S., Inc., 50 Millstone Road, Building 200, Suite 220, East Windsor,

NJ 08520 on behalf of Cody Platt, General Electric Company, 1935 Redmond Circle NW, Rome, GA 30165 submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with PCBs, lead, No. 2 fuel oil, inorganics and chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Keystone Place at East Falls, LLC**, 3310 Fox Street a/k/a 2905 Abbottsford Avenue, Philadelphia, PA 19129, City of Philadelphia, **Philadelphia County**, Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of Joseph A. Felici, Keystone Place at East Falls, LLC, 930 Henrietta Avenue, Suite B, Huntingdon Valley, PA 19106 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Santoro Residence**, 6178 Carversville Road, Carversville, PA 18913, Solebury Township, **Bucks County**. Eric White, PG, PARS Environmental, Inc., 500 Horizon Drive, Suite 540, Robbinsville, NJ 08691 on behalf of John Tolleson, 3 Waterfall Lane, Barnegat, NJ 08005 submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, PAHs and benzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511 .*

*Contact: Eric Supey, Environmental Program Manager.*

**2701 Barnes Lane**, 2701 Barnes Lane, Allentown, PA 18103, Allentown City, **Lehigh County**. Geo-Technology Associates, 2405 John Fries Highway, Quakertown, PA 18951, on behalf of Barnes Land Development LLC, 2240 West Rock Road, Allentown, PA 18103, submitted a revised, combined Risk Assessment and Final Report concerning remediation of soil impacted with pesticides from historic orchard operations. The report is intended to document remediation of the site to meet Site-Specific Standards.

**Jaekel Property**, 125 Oak Manor Drive, Milford, PA 18337, Dingman Township, **Pike County**. REPSG, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142, on behalf of Ernest and Joan Jaekel, 125 Oak Manor Drive, Milford, PA 18337, submitted a final report concerning remediation of soil contaminated by a release of heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

**Former Ralph's Service Station**, 574 South Main Street, Nazareth, PA 18064, Nazareth Borough, **Northampton County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Ralph Murante, 409 Bushkill Center Road, Nazareth, PA 18064, submitted a Final Report concerning remediation of soil and groundwater contaminated by a release of petroleum from an underground storage tank. The report is intended to document remediation of the site to meet a combination of Site-Specific and Statewide Health Standards.

*Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Vertical Seal Company**, 162 Chapman Road, Pleasantville, PA 16341, Harmony Township, **Forest County**.

SE Technologies, LLC, 500 Mosites Way, Suite 100, Pittsburgh, PA 15205 on behalf of Ampco-Pittsburgh Corporation, 726 Bell Avenue # 301, Carnegie, PA 15106 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with Cobalt, Manganese, and Chloride. The report is intended to document remediation of the site to meet a combination of Site-Specific and Statewide Health Standards.

**Titusville Wax Plant**, 1100 East Main Street (a.k.a. 1007 East Spring Street), City of Titusville, **Crawford County**. Wood Environment & Infrastructure Solutions, Inc., 4600 J Barry Court, Suite 210, Canonsburg, PA 15317, on behalf of Honeywell, 115 Tabor Road, Morris Plains, NJ 07950, submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with Volatile Organic Compounds, Semi-volatile Organic Compounds, Polychlorinated Biphenyls, and Metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T 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.*

**Clinical Outcomes Group**, 700 Terry Reiley Way, Pottsville, PA 17901, Pottsville City, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Clinical Outcomes Group, Inc., One South Second Street, Pottsville, PA 17901, submitted a Final Report concerning remediation of groundwater contaminated by gasoline from an underground storage tank. The report demonstrated attainment of the Statewide Health Standards and was approved by DEP on January 4, 2021.

**Novak Property**, 1016 South 8th Street, Allentown, PA 18104, Allentown City, **Lehigh County**. Environmental Maintenance Company, 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Margaret Novak, 1016 South 8th Street, Allentown, PA 18104, submitted a Final Report concerning remediation of soil contaminated by heating oil from an aboveground storage tank. The report demonstrated attainment of the Statewide Health Standards and was approved by DEP on December 30, 2020.

**Jaekel Property**, 125 Oak Manor Drive, Milford, PA 18337, Dingman Township, **Pike County**. REPSG, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142, on behalf of Ernest and Joan Jaekel, 125 Oak Manor Drive, Milford, PA 18337, submitted a final report concerning remediation of soil contaminated by a release of heating oil from an underground storage tank. The report demonstrated attainment of the Statewide Health Standards and was approved by DEP on January 5, 2021.

**Emmaus Main Post Office**, 105 North Fifth Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**. Weston Solutions, 1400 Weston Way, West Chester, PA 19380, on behalf of the US Postal Service, 7029 Albert Pick Road, Suite 200, Greensboro, NC 27409, submitted additional Final Report information concerning remediation of soil contaminated by heating oil from an underground storage tank. The Final Report demonstrated attainment of the Site-Specific standards and was approved by DEP on January 5, 2021.

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**1344 North Marston Street**, 1344 North Marston Street, Philadelphia, PA 19124, City of Philadelphia, **Philadelphia County**. Adam Harbaugh, Synergy Environmental Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of David Ross, 1344 Marston Street, LLC, 3001 Girard Avenue, Philadelphia, PA 19121 submitted a Final Report concerning the remediation of site soil contaminated with arsenic, barium, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoran-

thene, chrysene, dibenzo(a,h)anthracene, indeno(2,3-cd)pyrene and lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 17, 2020.

**4801 West Jefferson Street**, 4801 West Jefferson Street, Philadelphia, PA 19134 City of Philadelphia, **Philadelphia County**. Juddson W. Herr, PG, Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Warrington, PA 18976 on behalf of Marlin E. Thomas, Supra Enterprises Limited Liability Company, 5070 Parkside Avenue, Suite 3200, Philadelphia, PA 19131 submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Special Industrial Area provision.

**United States Steel Corporation (KIPC) 76-Acre Parcel**, One Ben Fairless Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County**. John Garges, GHD Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Mark Rupnow, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 submitted a Final Report concerning the remediation of site soil contaminated with VOCs, SVOCs, metals, and PCBs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 18, 2020.

**Glen Riddle Junction**, 250 Martins Lane, Media, PA 19063, Middletown Township, **Delaware County**. Mark Schaeffer, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Brad Fish, Energy Transfer, 100 Green Street, Marcus Hook, PA 19061 submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 22, 2020.

**1952 East Allegheny Avenue**, 1952 East Allegheny Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Casey O'Donnell, Impact Services Corporation, 952 East Allegheny Avenue, Philadelphia, PA 19134 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PAHs. The Report was reviewed by the Department which issued a technical deficiency letter on December 17, 2020.

**2400 Market Street Release Area**, 2400 Market Street, Philadelphia, PA 19103, City of Philadelphia, **Philadelphia County**. Mark Reisig, Tetra Tech, Inc., 1560 Broadway, Suite 1400, Denver, CO 80202 on behalf of Payton Michael, CenturyLink Communications, LLC d/b/a Lumen Technologies Group, 1025 Eldorado Boulevard, Broomfield, CO 80021 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on December 17, 2020.

**East Tioga Lofts**, 2215 East Tioga Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Angelo Waters, Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 on behalf of Justin Kaplan, East Tioga Lofts LLC, 1200 Callowhill Street, Suite 403, Philadelphia, PA 19123 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with inorganics

and lead. The Report was reviewed by the Department which issued a technical deficiency letter on December 28, 2020.

**Tunnel Road Property**, 1225 Tunnel Road, Perkasie, PA 18944, Perkasie Borough, **Bucks County**. Philip Schiebel, Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106 on behalf of Carmen Carosella, Jupiter Property Management, LLC, 11401 Roosevelt Boulevard, Philadelphia, PA 19154 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report did not demonstrate attainment of the site-specific standard and was disapproved by the Department on December 23, 2020.

**Booth and West 4th Street**, 2900 West 4th Street, Chester, PA 19013, City of Chester, **Delaware County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Michael Frankel, FMM QOZB, LLC, P.O. Box 67, Essington, PA 19029 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was reviewed by the Department which issued a technical deficiency letter on December 28, 2020.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) Renewed Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**General Permit No. WMGR123-NE002. Cabot Oil & Gas Corporation**, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275. A permit renewal for continued coverage under General Permit WMGR123 for the operation of an oil and gas liquid waste processing facility located in Dimock Township, **Susquehanna County**. The permit renewal was approved by the Regional Office on January 4, 2021.

Persons interested in reviewing the general permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**General Permit No. WMGR123-NE004. Fluid Recovery Services LLC**, P.O. Box 232, 5035 Route 110, Creekside, PA 15732. A permit renewal for continued coverage under General Permit WMGR123 for the operation of an oil and gas liquid waste processing facility located in Lenox Township, **Susquehanna County**. The permit renewal was approved by the Regional Office on January 4, 2021.

Persons interested in reviewing the general permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**General Permit No. WMGR123-NE006. Kendra II, LLC**, 5459 State Route 29, Springville, PA 18844. A



permit renewal for continued coverage under General Permit WMGR123 for the operation of an oil and gas liquid waste processing facility located in Dimock Township, **Susquehanna County**. The permit renewal was approved by the Regional Office on January 4, 2021.

Persons interested in reviewing the general permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**General Permit No. WMGR123-NE003. Clear Water Technology, LLC**, 120 Hart Road, Montrose, PA 18801. A permit renewal for continued coverage under General Permit WMGR123 for the operation of an oil and gas liquid waste processing facility located in Jessup Township, **Susquehanna County**. The permit renewal was approved by the Regional Office on January 4, 2021.

Persons interested in reviewing the general permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**General Permit No. WMGR123NC003. Seneca Resources Company**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237-7098, Lawrence Township, **Clearfield County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Clearfield County Tank Farm to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC005. Eureka Resources, LLC**, 454 Pine Street, Williamsport, PA 17701, Williamsport City, **Lycoming County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Second Street Facility to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC010. Hydro Recovery—Antrim, LP**, 1975 Waddle Road, State College, PA 16803, Duncan Township, **Tioga County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Antrim Facility to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC011. Eureka Resources, LLC**, 454 Pine Street, Williamsport, PA 17701, Williamsport City, **Lycoming County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Reach Road Facility to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC012. Highland Field Service, LLC**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237-7098, Covington Township, **Tioga County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Cherry Flats Compressor Station to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC018. Eureka Resources, LLC**, 454 Pine Street, Williamsport, PA 17701, Standing Stone Township, **Bradford County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Standing Stone Facility to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC022. Seneca Resources Company**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237-7098, Sullivan Township, **Tioga County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Detweiler Property Tank Facility to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA

17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC034. JKLM Energy, LLC**, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Ulysses Township, **Potter County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Reese Hollow Tank Farm to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC035. SWN Production Company, LLC**, P.O. Box 12358, Spring, TX 77391-2359, Liberty Township, **Tioga County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Lepley Water Transfer Facility to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC036. Rockdale Marcellus LLC**, 4600 J Barry Court, Ste 220, Canonsburg, PA 15317, Liberty Township, **Tioga County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Harer Beneficial Reuse Unit to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC037. JKLM Energy, LLC**, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Ulysses Township, **Potter County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Headwaters Tank Farm to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC038. JKLM Energy, LLC**, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Sweden Township, **Potter County**. This is a

permit renewal for processing and beneficial use of oil and gas liquid waste at the Sweden Valley Tank Farm to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC039. Highland Field Service, LLC**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237-7098, Gamble Township, **Lycoming County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Sellers Transfer Pad Facility to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR123NC043. Hydro Recovery—Antrim, LP**, 1975 Waddle Road, State College, PA 16803, Blossburg Borough, **Tioga County**. This is a permit renewal for processing and beneficial use of oil and gas liquid waste at the Blossburg Facility to be utilized to develop or hydraulically fracture an oil or gas well. The permit was issued by DEP Northcentral Regional Office on January 4, 2020.

Persons interested in reviewing the general permit applications may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

*Northwest Region: Christina Wilhelm, Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**General Permit No. WMGR 123NW001. Covanta Environmental Solutions, LLC**, 61 River Park Drive, New Castle, PA 16101, City of New Castle, **Lawrence County**. On December 23, 2020, the Department renewed coverage under General Permit WMGR123 to provide for an additional ten years of operations for Covanta Environmental Solutions LLC. The Determination of Applicability (DOA) under WMGR123 authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

Persons interested in reviewing the permit may contact Christina Wilhelm, Regional Solid Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**General Permit No. WMGR 123NW011. Highland Field Services, LLC**, 51 Zents Boulevard, Brookville, PA 15825, Norwich Township, **McKean County**. On December 23, 2020, the Department renewed coverage under General Permit WMGR123 to provide for an additional

ten years of operations for Highland Field Services, LLC's Clermont Storage Facility. The Determination of Applicability (DOA) under WMGR123 authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

Persons interested in reviewing the permit may contact Christina Wilhelm, Regional Solid Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**General Permit No. WMGR 123NW015. Highland Field Services, LLC**, 51 Zents Boulevard, Brookville, PA 15825, Sergeant Township, **McKean County**. On December 23, 2020, the Department renewed coverage under General Permit WMGR123 to provide for an additional ten years of operations for Highland Field Services, LLC's Seven Mile Minerals Facility. The Determination of Applicability (DOA) under WMGR123 authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

Persons interested in reviewing the permit may contact Christina Wilhelm, Regional Solid Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR 123NW005. Highland Field Services, LLC**, 51 Zents Boulevard, Brookville, PA 15825, Sergeant Township, **McKean County**. On December 23, 2020, the Department renewed coverage under General Permit WMGR123 to provide for an additional ten years of operations for Highland Field Services, LLC's CARES Facility. The Determination of Applicability (DOA) under WMGR123 authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

Persons interested in reviewing the permit may contact Christina Wilhelm, Regional Solid Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR 123NW010. PennEnergy Resources, LLC**, 1000 Commerce Drive, Park Place One, Suite 400, Pittsburgh, PA 15275, Forward Township, **Butler County**. On December 23, 2020, the Department renewed coverage under General Permit WMGR123 to provide for an additional ten years of operations for PennEnergy Resources, LLC's Magill Well Pad Facility. The Determination of Applicability (DOA) under WMGR123 authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

Persons interested in reviewing the permit may contact Christina Wilhelm, Regional Solid Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**General Permit No. WMGR 123NW014. PennEnergy Resources, LLC**, 1000 Commerce Drive, Park Place One, Suite 400, Pittsburgh, PA 15275, Winfield Township, **Butler County**. On December 23, 2020, the Department renewed coverage under General Permit

WMGR123 to provide for an additional ten years of operations for PennEnergy Resources, LLC's Well Pad 23 Facility. The Determination of Applicability (DOA) under WMGR123 authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

Persons interested in reviewing the permit may contact Christina Wilhelm, Regional Solid Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR 123NW017. PennEnergy Resources, LLC**, 1000 Commerce Drive, Park Place One, Suite 400, Pittsburgh, PA 15275, West Franklin Township, **Armstrong County**. On December 23, 2020, the Department renewed coverage under General Permit WMGR123 to provide for an additional ten years of operations for PennEnergy Resources, LLC's Well Pad W16 Facility. The Determination of Applicability (DOA) under WMGR123 authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

Persons interested in reviewing the permit may contact Christina Wilhelm, Regional Solid Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR 123NW009. RES Water—Butler, LLC**, 1373 Washington Pike, Bridgeville, PA 15017, Penn Township, **Butler County**. On December 23, 2020, the Department renewed coverage under General Permit WMGR123 to provide for an additional ten years of operations for RES Water—Butler, LLC's Facility. The Determination of Applicability (DOA) under WMGR123 authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

Persons interested in reviewing the permit may contact Christina Wilhelm, Regional Solid Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

**General Permit No. WMGR 123NW006. Clarion Altela Environmental Services, LLC**, 3099 Piney Dam Road, Clarion, PA 16214, Piney Township, **Clarion County**. On December 23, 2020, the Department renewed coverage under General Permit WMGR123 to provide for an additional ten years of operations for Clarion Altela Environmental Services, LLC Facility. The Determination of Applicability (DOA) under WMGR123 authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

Persons interested in reviewing the permit may contact Christina Wilhelm, Regional Solid Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**REGISTRATION FOR GENERAL PERMIT—  
MUNICIPAL WASTE**

**Registration(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities.**

*Southcentral Region: 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4706.*

**General Permit Registration No. WMGM036SC001C. Denali Water Solutions, LLC**, 471 Piedmont Road, Somerset, PA 15501, for the Firetower Mine Site located approximately 1.4 miles south of Robertsdale, PA 16674, Wells and Wood Townships, **Fulton and Huntingdon Counties**. This Registration under WMGM036 authorizes the blending or mixing of dewatered sewage sludge generated by municipal sewage collection and treatment systems or treatment works, and lime material to produce either an exceptional quality biosolid or a lime stabilized sewage sludge for beneficial use by using a portable processing unit. The blending or mixing authorized by this general permit is limited to occur on an active or abandoned mine site approved by the Department. The registration was issued by the Southcentral Regional Office on December 30, 2020.

Persons interested in reviewing the general permit may contact John Oren, Permits Section Chief, PADEP, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR  
DISPOSAL AREA OR SITE**

**Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 101678. Tri-County Landfill, Inc.**, 159 TCI Drive, Grove City, PA 16127, Pine and Liberty Townships, **Mercer County**. On December 28, 2020, the Department issued a municipal waste landfill permit to Tri-County Landfill, Inc. The permit approves a disposal area of just over 70 acres with the average and maximum daily volumes limited to 4,000 tons per day. The application was submitted on December 17, 2018. A Local Municipal Involvement Policy meeting was conducted with the local municipal officials on January 29, 2019. A public hearing was held on October 16, 2019.

Persons interested in commenting on the permit may contact Christina S. Wilhelm, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**GP3-09-0162: The H&K Group** (P.O. Box 196, Skip-pack, PA 19474) on December 30, 2020 for a portable nonmetallic Mineral Processing Plant manufacturer, Asec, Model No. 3600 max. throughput: 300 tons/hr at the Naceville Materials, Chalfont Quarry in Hilltown Township, **Bucks County**.

**GP9-09-0088: The H&K Group** (P.O. Box 196, Skip-pack, PA 19474) on December 30, 2020 for one (1) Diesel or No. 2 Fuel-Fired Internal Combustion Engine Manufacturer, Cummins, Model No. QSL8.9 capacity: 380 bhp, for Naceville Materials, Chalfont Quarry in Hilltown Township, **Bucks County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**AG5A-58-00022A: Cabot Oil & Gas Corp.** (2000 Park Ln, Suite 300, Pittsburgh, PA 15275) on December 15, 2020 the general operating permit GP5A issued for the construction & operation of a Unconventional Natural Gas Well Site at Makosky well pad located in Brooklyn Twp., **Susquehanna County**.

**GP4-39-002: Albarell Electric Inc.** (901 West Lehigh Street, Bethlehem, PA 18018) on January 4, 2021 for the renewal of a natural gas fired burn off oven with afterburner at the facility located in Bethlehem City, **Lehigh County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP3-28-03057B: David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17202) on January 4, 2021, for the installation and operation of a portable stone crushing plant at the Shale Pit # 4 located in Antrim Township, **Franklin County**.

**GP11-28-03057B: David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17202) on January 4, 2021, for the installation and operation of a non-road diesel engine at the Shale Pit # 4 located in Antrim Township, **Franklin County**.

*Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**GP13-11-00051B: Quaker Sales Corporation** (P.O. Box 880, Johnstown, PA 15907-0880) on December 28, 2020, to allow continued operation of their previously authorized Johnstown batch hot mix plant, rated at

300 tph, equipped with packaged low NO<sub>x</sub> multi-fuel burners, rated at 100.0 MMBtu/hr, and controlled by a cyclone dust collector, rated at 70,000 ACFM at 275°F in West Taylor Township, **Cambria County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**AG5-43-00002B: Pin Oak Midstream LLC, Hurtt Compressor Station** (57 Drake Road, Mercer, PA 16137) on January 4, 2021, for a transfer of ownership of an existing compressor station (BAQ-GPA/GP5) located in East Lackawannock Township, **Mercer County**.

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**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.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**28-05002J: Letterkenny Army Depot—US Department of Defense** (One Overcash Avenue, Chambersburg, PA 17201) on December 31, 2020, for a new AP Rocket Motor Destruction (ARMD) Facility within the Letterkenny Munitions Center ammunition storage area, at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**. Air emissions from the ARMD will be controlled by a wet scrubber system, followed by an ADIOX packed bed scrubber tower absorption system. The plan approval was extended.

**36-05015I: Dart Container Corporation of PA** (60 East Main Street, Leola, PA 17540) on December 29, 2020, for the construction of three (3) new Polypropylene (PP) extrusion and thermoforming lines at building # 4 at the Leola Plant in Upper Leacock Township, **Lancaster County**. As part of the project, two (2) of the existing Polystyrene (PS) lines in building # 4 will be removed. Also, as part of the proposed project, the facility will be authorized to implement an Alternate Operating Scenario (AOS) which will allow the remaining PS extruders in building # 4 the option of switching to producing PP products. The plan approval was extended.

**36-05015H: Dart Container Corporation of PA** (60 East Main Street, Leola, PA 17540) on January 4, 2021, for the construction of new extrusion and thermoforming lines and construction of new equipment for the recycling of consumer EPS scrap at the facility located in Upper Leacock Township, **Lancaster County**. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**14-00002N: Graymont (PA), Inc.** (375 Graymont Rd., Bellefonte, PA 16823) was issued an extension to authorize continued operation of the Kiln No. 8 project pending completion of the compliance evaluations and issuance of an operating permit for the new sources. The sources are located at their Pleasant Gap plant in Spring Township, **Centre County**. The plan approval has been extended for 180 days.

**14-00002P: Graymont (PA), Inc.** (375 Graymont Rd., Bellefonte, PA 16823) was issued an extension to authorize continued operation of the Kiln No. 8 project pending completion of compliance evaluations and issuance of an operating permit for the new sources. The sources are located at their Pleasant Gap plant in Spring Township, **Centre County**. The plan approval has been extended for 180 days.

**14-00002R: Graymont (PA), Inc.** (375 Graymont Rd., Bellefonte, PA 16823) was issued an extension to authorize continued operation of the Source ID P313 lime processing system at the Pleasant Gap plant in Spring Township, **Centre County**, pending issuance of an operating permit for the new sources. The plan approval has been extended for 180 days.

**49-00064A: Milton Sewer Regional Authority** (5585 State Route 405, P.O. Box 433, Milton, PA 17847), on December 31, 2020, to extend the authorization to temporarily operate sources pursuant to the plan approval an additional 180 days from January 17, 2021, to July 15, 2021, at their facility located in West Chilisquaque Township, **Northumberland County**. The plan approval has been extended.

*Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**65-00767B: Westmoreland Sanitary Landfill, LLC** (111 Conner Lane, Bell Vernon, PA 15012-4569) on December 21, 2020, to allow continued temporary operation of the 2,128 bhp natural gas-fired generator engine at the Westmoreland Sanitary Landfill located in Rostraver Township, **Westmoreland County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**42-011C: International Waxes, Incorporated, Farmers Valley** (45 Route 446, Smethport, PA 16749) on December 30, 2020, effective December 30, 2020, has issued a plan approval extension for the continuation of boiler retrofits to natural gas firing in Keating Township, **McKean County**. This is a Title V facility. This will expire on June 30, 2021.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*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.*

**06-05154: Birdsboro Power LLC** (1 Armorcast Road, Birdsboro, PA 19508) on December 31, 2020, for the natural gas-fired combined cycle electric generation facility located in Birdsboro Borough, **Berks County**.

**36-05027: LSC Communications MCL, LLC** (216 Greenfield Road, Lancaster, PA 17601-5817) on January 4, 2021, for the commercial printing facility (Lancaster East) located in Lancaster City, **Lancaster County**. The Title V permit was renewed.

**36-05026: LSC Communications MCL, LLC** (1375 Harrisburg Pike, Lancaster, PA 17601-2612) on January 4, 2021, for the commercial printing facility (Lancaster West) located in Lancaster City, **Lancaster County**. The Title V permit was renewed.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**21-03054B: Hollinger Funeral Home & Cremation, Inc.** (501 N Baltimore Ave, Mount Holly Springs, PA 17065) on January 5, 2021, for the operation of a human crematory and pet crematory located in Mount Holly Springs Borough and South Middletown Township respectively in **Cumberland County**.

**07-05015: UPMC Altoona** (620 Howard Avenue, Altoona, PA 16601-4899) on December 29, 2020, for the boilers and generators at the Altoona Hospital located in Altoona City, **Blair County**. The State-Only Permit was renewed.

**67-03069: H&H Castings, Inc.** (4300 Lincoln Highway, York, PA 17406-8022) on December 31, 2020, for the aluminum foundry facility located in Hellam Township, **York County**. The State-Only Permit was renewed.

**21-03114: Hoffman Funeral Home & Crematory** (219 North Hanover Street, Carlisle, PA 17013-2424) on December 31, 2020, for the human crematory at the funeral home facility located in North Middleton Township, **Cumberland County**. The State-Only Permit was renewed.

**28-05048: Wipro Enterprises, Inc.** (1101 Sheffler Drive, P.O. Box 371, Chambersburg, PA 17201-4844) on January 5, 2021, for the hydraulic cylinder manufacturing facility located in Chambersburg Borough, **Franklin County**.

*Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**11-00531: Sunoco Pipeline L.P.** (525 Fritztown Road, Sinking Spring, PA 19608) on December 24, 2020, the Department issued a renewal natural minor State Only Operating Permit for the operation of the Ebensburg Pumping Station located in Cambria Township, **Cambria County**. Emission sources at the facility include pump seal leaks and maintenance activities including pigging operations controlled by a 30 MMBtu/hr enclosed flare and uncontrolled fugitive emissions from fittings, valves, and other components. The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The renewal operating permit contains conditions incorporating applicable emission limitations, monitoring, reporting, recordkeeping, and work practice standards requirements.

**65-01027: Leedsworld, Inc.** (400 Hunt Valley Road, New Kensington, PA 15068) on December 29, 2020, a State Only Operating Permit (Synthetic Minor) renewal to Leedsworld, Inc. to authorize the continued operation

of their facility located in Upper Burrell and Washington Township, **Westmoreland 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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**53-00004: Eastern Gas Transmission and Storage, Inc.** (6603 West Broad Street, Richmond, VA 23230) on December 30, 2020, was issued a revised Title V operating permit to revise the corporate name from Dominion Energy Transmission, Inc. and the mailing address for the Harrison Station facility located in Harrison Township, **Potter County**.

**17-00002: Eastern Gas Transmission and Storage, Inc.** (6603 West Broad Street, Richmond, VA 23230) on December 30, 2020, was issued a revised State Only Operating Permit to revise the corporate name from Dominion Energy Transmission, Inc. and the mailing address for the Helvetia Station facility located in Brady Township, **Clearfield County**.

**17-00003: Eastern Gas Transmission and Storage, Inc.** (6603 West Broad Street Richmond, VA 23230) on December 31, 2020, was issued a revised Title V operating permit to revise the corporate name from Dominion Energy Transmission, Inc. and the mailing address for the Luther Station facility located in Brady Township, **Clearfield 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. 5679123 and NPDES No. PA0599166. Heritage Coal & Natural Resources, LLC, 550 Beagle**

Road, Rockwood, PA 15557, renewal of NPDES permit in Southampton Township, **Somerset County**. Receiving streams: unnamed tributary to/and Shoemaker Run, classified for the following uses: high-quality cold-water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 15, 2020. Permit issued: December 29, 2020.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**Permit No. 17921604 and NPDES PA0214167. Waroquier Coal Company**, P.O. Box 128, Clearfield, PA 16830, permit renewal for reclamation only of a bituminous coal mining activity (tipple) in Lawrence Township, **Clearfield County** affecting 5.3 acres. Receiving stream(s): Unnamed tributary to West Branch Susquehanna River classified for the following use(s): CWF. This receiving stream is included in the West Branch Susquehanna River TDML. Application received: June 11, 2019. Permit issued: December 22, 2020.

**Permit No. 17070112. RES Coal LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, revision to an existing bituminous surface and auger mine to change the post-mining land use from forestland to pastureland located in Bell and Gaskill Townships, **Clearfield and Jefferson Counties** affecting 295.0 acres. Receiving stream(s): Unnamed Tributaries to Bear Run and Unnamed Tributaries to Whiskey Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 12, 2020. Permit issued: December 22, 2020.

#### *Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 50890301 and NPDES No. PA0594431. New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit located in Buffalo Township, **Perry County**. Receiving streams: unnamed tributary to Susquehanna River, classified for the following uses: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 5, 2020. Permit Issued: December 30, 2020.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 61122804. Lester C. Henry**, 1555 Route 208, Emlenton, PA 16373. Final bond release for a small noncoal mining operation in Cranberry Township, **Venango County**. Restoration of 4.0 acres completed. Receiving stream(s): East Sandy Creek. Application received: October 5, 2020. Final bond release approved: December 18, 2020.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 67204124. M & J Explosives, LLC** (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Deardorff Dwelling 370 Borrows Road in York Township, **York County** with an expiration date of December 23, 2021. Permit issued: December 24, 2020.

**Permit No. 39204110. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Wrenfield Phase 2 & 3 in Upper Macungie Township, **Lehigh County** with an expiration date of December 15, 2021. Permit issued: December 29, 2020.

**Permit No. 46204115. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Reserve at Center Square in Worcester Township, **Montgomery County** with an expiration date of January 1, 2022. Permit issued: December 29, 2020.

**Permit No. 46204116. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Foxwood Ridge in Douglass Township, **Montgomery County** with an expiration date of January 1, 2022. Permit issued: December 29, 2020.

**Permit No. 48204111. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Creekside Meadows in East Allen Township, **Northampton County** with an expiration date of January 1, 2022. Permit issued: December 30, 2020.

**Permit No. 46204114. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Sanatoga Green in Lower Pottsgrove Township, **Montgomery County** with an expiration date of December 8, 2021. Permit issued: December 31, 2020.

#### **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 AT&T 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.**

*Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E3603220-022. Rapho Township**, 971 North Colebrook Road, Manheim, PA 17665 Rapho Township, **Lancaster County**, ACOE Baltimore District.

To: 1.) place and maintain R-7 rip rap along the left bank of Little Chiques Creek (TSF, MF) impacting 450.0 feet of stream; 2.) remove an existing 18.0-inch CMP stormwater outfall pipe from the floodway of Little Chiques Creek (TSF, MF); 3.) install and maintain a 24.0-inch smooth lined HDPE pipe outfall in the floodway of Little Chiques Creek (TSF, MF); and 4.) construct and maintain a water quality basin in the floodway of Little Chiques Creek, impacting 2,250 square feet of floodway, all for the purpose of stabilizing the stream. The project is located at the intersection of Drager Road and Johnson Mill Lane (Latitude: 40° 04' 8.15" N; Longitude: 76° 31' 6.47" W) in Rapho Township, Lancaster County. No wetlands will be impacted by this project. Permit issued December 31, 2020.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E0829220-031: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Albany Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,240 square feet of a Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41.601576°, Longitude: -76.469823°);

2. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet and 12,820 square feet of floodway of an unnamed tributary to Ladds Creek (HQ-CWF, MF) (Dushore, PA Quadrangle, Latitude: 41.602167°, Longitude: -76.467195°);

3. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,840 square feet of a Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41.605221°, Longitude: -76.465848°);

4. a 16-inch diameter temporary waterline impacting 2 square feet of a Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41.605880°, Longitude: -76.467429°).

The project will result in 20 linear feet, 300 square feet of temporary stream impacts and 12,820 square feet of floodway impacts, and 2,619 square feet (0.04 acre) of temporary PEM wetland impacts, all for the purpose of establishing a temporary water supply for Marcellus well development in Overton Township, Bradford County.

**E0829220-025: Appalachia Midstream, LLC**, 30351 Route 6, Wysox, PA 18854, Monroe Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 2,206 square feet of a Palustrine Forested Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41° 36' 54", Longitude: -76° 29' 41");

2. a temporary timber mat bridge impacting 173 square feet of a Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41° 36' 53", Longitude: -76° 29' 32");

3. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 57 linear feet of an unnamed tributary to Ladds Creek (CWF, MF) and impacting 3,701 square feet of an adjacent Palustrine Forested Wetland (EV) and 828 square feet of an adjacent Palustrine Scrub-Shrub Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41° 36' 55", Longitude: -76° 29' 10");

4. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 12,197 square feet of a Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41° 36' 56", Longitude: -76° 29' 06");

5. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 349 square feet of a Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41° 37' 21", Longitude: -76° 28' 56").

The project will result in 57 linear feet or 174 square feet of temporary stream impacts and 12,719 square feet (0.29 acre) of PEM, 828 square feet (0.02 acre) of PSS and 5,907 square feet (0.14 acre) of PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Monroe Township, Bradford County. To compensate for the PSS/PFO wetland areas that will be permanently maintained over the pipe trench (852 square feet), 12,045 square feet of PEM Wetland (Dushore, PA Quadrangle, Latitude: 41° 36' 56", Longitude: -76° 29' 06") will be enhanced with shrub and tree plantings on-site within the temporary right-of-way.

*Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh, PA 15222.*

**E65-07-013: Chevron Appalachia, LLC**, 700 Cherrington Parkway, Coraopolis, PA 15108, Sewickley Township, **Westmoreland County**, ACOE Pittsburgh District.

Chevron Appalachia is proposing a 286-foot by 418 foot well pad extension and tank pad reclamation for oil and gas activity at the existing Basista—Dermotta Well Pad B (40.269439, -79.780153). The well pad expansion area and tank pad reclamation will result in the impact to wetlands found on the site. Three (3) Palustrine Emergent (PEM) wetlands, totaling 0.28 acre, will be filled due to the reclamation of the existing tank pad. Wetland mitigation is required for this project. Onsite mitigation will consist of approximately 0.3 acre of PEM wetland.

The project is located within the McKeesport USGS 7 1/2 Minute Quadrangle Map.



Wetland Name	Location	Area of Permanent Impact (acres)
W-01	40° 16' 6.7", -79° 46' 51.6"	0.03
W-02	40° 16' 7.1", -79° 46' 47.5"	0.15
W-03	40° 16' 7.3", -79° 46' 45"	0.09

### 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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Dana Drake, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

ESCGP-2 # ESG006520001-00  
 Applicant Name Peoples Natural Gas  
 Contact Person Melissa Orehowsky  
 Address 375 North Shore Drive  
 City, State, Zip Pittsburgh, PA 15212  
 County Allegheny County  
 Township(s) Murrysville Municipality; Plum Borough  
 Receiving Stream(s) and Classification(s) Haymakers Run (HQ-CWF); Humms Run (HQ-CWF)

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

ESCGP-3 # ESG082420003-00  
 Applicant Name Seneca Resources Co. LLC  
 Contact Person Cindy Jones  
 Address 51 Zents Blvd  
 City, State, Zip Brookville PA 15825-2701  
 County Elk County  
 Township(s) St. Marys  
 Receiving Stream(s) and Classification(s) Little Mill Creek-Clarion River

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG290819006-00 DENIED  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Scott Kinter  
 Address 400 1st Center Ste 404  
 City, State, Zip Horseheads, NY 14845  
 County Bradford & Sullivan County  
 Township(s) Wilmot & Colley  
 Receiving Stream(s) and Classification(s) Wolf Run (CWF, MF), UNT to Wolf Run (CWF, MF)  
 Secondary: North Branch Mehoopany Creek (CWF, MF), North Branch Mehoopany Creek (CWF, MF)

ESCGP-3 # ESG290819018-00  
 Applicant Name Repsol Oil & Gas USA, LLC  
 Contact Person Lance Ridall  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Armenia  
 Receiving Stream(s) and Classification(s) UNT to Tioga River (HQ, MF), Elk Run (TSF/MF), Gaffers Creek (TSF/MF)  
 Secondary: Tioga River (HQ, MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The Following Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative

form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Keneco**, Storage Tank Facility ID # 01-36776, 6149 Baltimore Pike, Littlestown, PA 17340, Germany Township, **Adams County**. Mountain Research, Inc., 825 25th Street, Altoona, PA 16601 on behalf of Spangler Oil Company, 6149 Baltimore Pike, Littlestown, PA 17340, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum contaminants. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The Department of Environmental Protection (DEP) Has Taken Action on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require DEP to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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 AT&T Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Sunrise Mart**, Storage Tank ID # 39-06734, 1510 West Tilghman Street, Allentown, PA 18102, Allentown City, **Lehigh County**. Geo-Environmental Consulting & Remediation, 371 Hoes Lane, Suite 200, Piscataway, NJ 08854, on behalf of, Greyhound Investment Group LLC, 1 Bustleton Pike, Feasterville, PA 29053, has submitted a revised Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of a combination of Site-Specific and Statewide Health Standards and was approved by DEP on December 30, 2020.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Cynthia Stine, Licensed Professional Geologist.*

**Cumberland Valley Township**, Storage Tank Facility ID # 05-63385, 1037 Park Road, Bedford, PA 15522, Cumberland Valley Township, **Bedford County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Cumberland Valley Township, 1030 Dark Hollow Road, Bedford, PA 15522-5617, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum products. The plan is intended to document the remedial actions for meeting the Statewide Health Standards. The Remedial Action Plan was acceptable to meet the Statewide Health Standards and was approved by DEP on December 10, 2020.

*Contact: Gregory Bowman, Environmental Group Manager.*

**Waldman's Service Center**, Storage Tank Facility ID # 06-19938, 1927 Kutztown Road, Reading, PA 19604, Reading City, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Mr. Frank Waldman, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by DEP on December 29, 2020.

*Contact: Robin L. Yerger, LPG.*

**Rutter's Farm Store #58**, Storage Tank Facility ID # 67-61416, 7680 Lincoln Highway, Abbottstown, PA 17301, Paradise Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, York, PA 17404 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum. The Remedial Action Completion Report failed to demonstrate attainment of the Statewide Health Standard and was disapproved by DEP on January 7, 2021.

Contact: Cherie Campbell, Soil Scientist.

**Getty 69443**, Storage Tank Facility ID # 36-22494, 644 East Main Street, Ephrata, PA 17522-2536, Ephrata Township, **Lancaster**. Antea Group, 5910 Rice Creek Parkway, Suite 100, Saint Paul, MN 55126, on behalf of Getty Properties Corporation, Two Jericho Plaza, Suite

110, Wing C, Jericho, NY 11753 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by DEP on January 8, 2021.

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## SPECIAL NOTICES

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### RADIATION PROTECTION

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#### Notice of Certification to Perform Radon-Related Activities in Pennsylvania.

In the months of October 2020, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Justin Ake	2309 13th Street Altoona, PA 16601	Mitigation Individual
Baxter Group Inc	941 Progress Rd Chambersburg, PA 17201	Testing Firm
Nathan Braden	307 Pandora Rd Derry, PA 15627	Testing Individual
Spencer Conrad	116 Gay Street # 186 Phoenixville, PA 19460	Mitigation Individual
Adam Fritchey	8 Terry Ct Downingtown, PA 19335	Testing Individual
Juan Antonio Gonzalez	209 Kenilworth Avenue Philadelphia, PA 19120	Testing Individual
Margie Gordon	125 Nevins Way Coatesville, PA 19320	Testing, Lab Individual
Brian Harashinski	8 Fairfield Drive Wilkes-Barre, PA 18702	Testing Individual
Homechek Inc.	2575 Eastern Blvd., Ste 210 York, PA 17402	Testing Firm
Mark Jaworski	75 Putorti Ln Canonsburg, PA 15317	Testing Individual
John Jenkins Jr	40 Sorber Rd. Shickshinny, PA 18655	Testing Individual
Steven Johnson	2575 Eastern Blvd., Ste 210 York, PA 17402	Testing Individual
Bruce Lampe	9615 Berea Street Philadelphia, PA 19114	Testing Individual
Tyler Long	379 Aston Mountain Road Spring Brook Twp, PA 18444	Testing Individual
Jocelyne Melton	941 Progress Rd. Chambersburg, PA 17201	Testing Individual
Edward Moran	940 Port Carbon Street Pottsville, PA 17901	Testing Individual
Brian Poplarchick	1000 Dunham Drive, Ste B Dunmore, PA 18512	Testing Individual
Precise Home Inspections	2901 Hemlock Farms Lords Valley, PA 18428	Testing Firm
Residential Warranty Services LLC	P.O. Box 797 Carmel, IN 46082	Lab Firm
Rhis, Inc.	100 Old Kennett Rd. Wilmington, DE 19807	Mitigation Firm

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Safe-Buy Home Inspection	7844 Old Route 56 Hwy W Indiana, PA 15701	Testing Firm
Lloyd Scarborough	1200 Creekwood Dr. Warminster, PA 18974	Testing Individual
Joel Schachter	2901 Hemlock Farms Lords Valley, PA 18428	Testing Individual
Stephen Sybert	1421 Clarkview Rd., Ste 100 Baltimore, MD 21209	Testing Individual
Phil Thornberry	P.O. Box 797 Carmel, IN 46082	Lab Individual

### ACTIVE AND ABANDONED MINE OPERATIONS, DISTRICT MINING OPERATIONS

#### Request for Comment and Notice of Public Meeting.

*California District Mining Office, 25 Technology Drive,  
Coal Center, PA 15423.*

**Heritage Coal & Natural Resources, LLC**, Shaw Mines Refuse Site **Permit No. 56180701, NPDES Permit No. PA0236489**, Summit and Elk Lick Townships, **Somerset County**.

California District Mining office has received a request for a public hearing concerning the application for the proposed Shaw Mines Refuse Site submitted by Heritage Coal & Natural Resources, LLC. In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the DEP has scheduled a virtual public hearing for Wednesday, February 17, 2021, from 1:00 pm until 3:00 pm.

The draft NPDES permit includes effluent limitations for Outfalls 001 and 002 associated with the construction and operation of Shaw Mines Refuse Site:

Outfall 001 - Lat: 39° 47' 30.3" Long: -79° 03' 39.7"—  
UNT 39266 of Casselman River

Outfall 002 - Lat: 39° 47' 30.3" Long: -79° 03' 39.7"—  
UNT 39266 of Casselman River

The draft effluent limitations for the NPDES permit were published in the *Pennsylvania Bulletin* on September 19, 2020. The permit has not been issued and is pending. Copies of the draft NPDES permit and associated documents are on file for public review, by appointment, at the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, California Technology Park, Coal Center, PA 15423, Phone: 724.769.1100.

The public hearing is being held at the request of Mountain Watershed Association and private citizens, to take testimony from citizens on the draft NPDES permit for the proposed Shaw Mines Refuse Site.

The new refuse disposal facility is proposed to be built in a location that was previously strip mined. The receiving stream is impaired for metals and pH and in a watershed that has a TMDL due to impacts from mining (Casselman River TMDL). This facility proposes a new mining related discharge to the impaired stream/watershed. The persons requesting the hearing believe DEP should be mitigating mining impacts in the area.

Individuals who wish to observe or present testimony at the hearing must contact community relations coordi-

nator Lauren Fraley at [lfracley@pa.gov](mailto:lfracley@pa.gov) (421.442.4203) a minimum of 24 hours in advance of the event to reserve a time to present testimony. Individuals who register for the event will receive the link and instructions on how to join via email. Video demonstrations and screen sharing by witnesses will not be permitted. Testimony will be limited to three minutes. DEP asks that each organization designate one speaker per group and reminds those presenting that time may not be shared or relinquished to others. All comments, whether delivered orally during the virtual hearing or submitted in writing carry equal weight and consideration with DEP.

Individuals providing testimony are requested to submit a written copy of their verbal testimony by e-mail to Bonnie Herbert at [bherbert@pa.gov](mailto:bherbert@pa.gov) after providing testimony at the hearing. Written comments will be accepted until close of business on March 19, 2021.

Individuals wishing to attend who require an auxiliary aid, service or other accommodation to participate should contact Lauren Fraley. The Pennsylvania AT&T Relay Service is available by calling 1.800.654.5984 (TTD users) or 1.800.654.5988 (voice users) and request that the call be relayed to Lauren Fraley at the previously listed number.

[Pa.B. Doc. No. 21-87. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications.

Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to TGDs*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with the document.

#### *Final Technical Guidance; Minor Revision*

**DEP ID:** 258-2182-773. **Title:** Management of Fill Policy. **Description:** A person placing solid waste onto the ground is generally required to obtain a permit under the Solid Waste Management Act (SWMA) (35 P.S. §§ 6018.101–6018.1003). A person is not required to obtain a permit under the SWMA if the person can demonstrate that the material qualifies as clean fill in accordance with the municipal and residual waste regulations, 25 Pa. Code §§ 271.101(b)(3) and 287.101(b)(6) (relating to permit requirement; and general requirements for permit). The Management of Fill Policy defines the universe of materials that qualify as “fill” and provides the Department’s procedures for determining whether fill is “clean fill,” as defined in the municipal and residual waste regulations in 25 Pa. Code §§ 271.1 and 287.1 (relating to definitions), respectively, or “regulated fill,” as defined in the policy.

The Department has made minor wording changes to pertinent portions of the Management of Fill Policy relating to the procedures for using fill that contains a concentration of total Polychlorinated biphenyls (PCB) greater than 2 parts per million (ppm) that may be subject to regulation under the Toxic Substances Control 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 United States Environmental Protection Agency (EPA). The revised policy recommends that users of fill containing a concentration of total PCBs greater than 2 ppm contact the EPA’s Region 3 office to determine whether fill can be used and obtain information relating to applicable procedures for collecting and analyzing samples.

**Contact:** Questions regarding this TGD can be directed to Ali Tarquino Morris at ra-epbenuseall@pa.gov or (717) 787-7381. Use “Management of Fill Policy” as the subject line in written communication.

**Effective Date:** January 16, 2021

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-88. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Small Business Compliance Advisory Committee Meeting Cancellation

The January 27, 2021, meeting of the Small Business Compliance Advisory Committee (Committee) is cancelled. The next regular meeting of the Committee is scheduled for 10 a.m. on Wednesday, April 28, 2021, and will be held as a virtual meeting. Individuals who wish to join the meeting may do so remotely.

Information on how to join the Committee’s next meeting, as well as agenda and meeting materials, will be available on the Committee’s webpage, found through the Public Participation tab on the Department of Environmental Protection’s (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select “Public Participation,” then “Advisory Committees,” then “Air Advisory Committees,” then “Small Business Compliance”).

Individuals are encouraged to visit the Committee’s webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the April 28, 2021, meeting can be directed to Lucas Hershey at [luchershey@pa.gov](mailto:luchershey@pa.gov) or (717) 787-7019.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-9702 or through the Pennsylvania AT&T 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. 21-89. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Water Resources Advisory Committee Meeting Cancellation

The January 27, 2021, meeting of the Water Resources Advisory Committee (Committee) is cancelled. The next regular meeting of the Committee is scheduled for 9:30 a.m. on Wednesday, March 24, 2021, and will be held as a virtual meeting. Individuals who wish to join the meeting may do so remotely.

Information on how to join the Committee’s next meeting, as well as agenda and meeting materials, will be available on the Committee’s webpage, found through the Public Participation tab on the Department of Environmental Protection’s (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select “Public Participation,” then “Advisory Committees,” then “Water Resources Advisory Committee,” then “Agendas and Handouts”).

Individuals are encouraged to visit the Committee’s webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the March 24, 2021, meeting can be directed to Bob Haines at [robhaines@pa.gov](mailto:robhaines@pa.gov) or (717) 705-4090.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 705-4090 or through the Pennsylvania AT&T 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. 21-90. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Doylestown Surgery Center, LLC	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
	28 Pa. Code § 569.35(7) (relating to general safety precautions)
GI Outpatient Endoscopy	28 Pa. Code § 553.1 (relating to principle)
	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)
	28 Pa. Code § 555.1 (relating to principle)
	28 Pa. Code § 555.2 (relating to medical staff membership)
	28 Pa. Code § 555.3(a)—(f) (relating to requirements for membership and privileges)
	28 Pa. Code § 555.4(a)—(c) (relating to clinical activities and duties of physician assistants and certified registered nurse practitioners)
	28 Pa. Code § 555.31(a) (relating to principle)
	28 Pa. Code § 563.1 (relating to principle)
	28 Pa. Code § 563.2(a) and (b) (relating to organization and staffing)
	28 Pa. Code § 567.53(1) (relating to sterilization control)
Hershey Outpatient Surgery Center, LP	28 Pa. Code § 551.21(d)(2)
North Pointe Surgery Center—Lebanon	28 Pa. Code § 551.21(d)(1)
Penn Medicine Radnor Surgery Center	28 Pa. Code § 551.21(d)(2)
Physician's Care Surgery Center	28 Pa. Code § 551.21(d)(1)
Premier at Exton Surgery Center, LLC	28 Pa. Code § 551.21(d)(1)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov). Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 21-91. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Conemaugh Memorial Medical Center	28 Pa. Code § 103.1 (relating to principle)

<i>Facility Name</i>	<i>Regulation and relating to</i>
Holy Redeemer Hospital	28 Pa. Code § 138.18(a) and (b) (relating to EPS studies)
LVH Coordinated Allentown	28 Pa. Code § 107.62(a) and (b) (relating to oral orders)
LVH Coordinated Bethlehem	28 Pa. Code § 107.62(a) and (b)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
Encompass Health Rehabilitation Hospital of Sewickley, LLC	§ 153.1(a)	18
Penn Highlands Brookville	§ 153.1(a)	18-O
The Robert Packer Hospital	§ 153.1(a)	18

<sup>1</sup> 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
Secretary

[Pa.B. Doc. No. 21-92. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

ManorCare Health Services—Whitehall Borough  
505 Weyman Road  
Pittsburgh, PA 15236  
FAC ID # 10230200

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommoda-

tion 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 AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
Secretary

[Pa.B. Doc. No. 21-93. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Organ Donation Advisory Committee Virtual Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Thursday, February 4, 2021, from 10 a.m. to 1:30 p.m. The purpose of the meeting is to review progress in the area of organ and tissue donation in this Commonwealth, recommend education and awareness activities, recommend priorities in expenditures from the Organ and Tissue Donation Awareness Fund (Fund) and advise the Secretary of Health on matters relating to the administration of the Fund. The meeting will be conducted virtually using Skype. The call-in number is 1 (267) 332-8737 and the

conference ID is 93985146. Contact the Organ Donation Program at (717) 787-5876 or ra-dhorgandonation@pa.gov with any questions regarding connecting to the meeting.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Amy Flaherty, Director, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 21-94. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Traumatic Brain Injury Advisory Board Virtual Public Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a virtual public meeting on Friday, February 5, 2021. Due to health concerns related to the novel coronavirus (COVID-19), the meeting will be held by means of Skype from 9 a.m. to 12:30 p.m.

Meeting materials will be sent out before the meeting. Contact Nicole Johnson at nfjohnson@pa.gov with any questions. To join the Skype meeting, call 1 (267) 332-8737. The conference ID is 977933985.

The Department of Health’s (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Nicole Johnson, Division of Community Systems Development and Outreach, (717) 772-2763, or for speech and/or hearing-impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 21-95. Filed for public inspection January 15, 2021, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Unemployment Compensation; Table Specified for Determination of Rate and Amount of Benefits

The purpose of this notice is to announce the Table Specified for the Determination of Rate and Amount of Benefits (Table) and the maximum weekly unemployment compensation (UC) benefit rate for the calendar year 2021.

The Table, contained in section 404(e)(1) of the Unemployment Compensation Law (law) (43 P.S. § 804(e)(1)), shall be extended or contracted annually to the point where the maximum weekly benefit rate for a calendar year equals 66 2/3% of the average weekly wage for the 36-month period ending on the previous June 30. 43 P.S. § 804(e)(2)(i). The Table was amended by the act of November 3, 2016 (P.L. 1100, No. 144) (Act 144), which imposed limitations on the maximum weekly benefit rate. For calendar year 2021, Act 144 limits the maximum weekly benefit rate to an amount that is no more than 2% of the maximum weekly benefit rate of the preceding year. 43 P.S. § 804(e)(2)(iii)(B). Because the maximum weekly benefit rate for calendar year 2020 was \$572, the maximum allowable weekly benefit rate for calendar year 2021 is \$583. As a result, the Department of Labor and Industry is extending the Table as published in this notice.

The Table, as amended by Act 144, was published at 47 Pa.B. 362 (January 21, 2017) and codified in 34 Pa. Code Chapter 65, Appendix A (relating to table specified for the determination of rate and amount of benefit). Under section 201(a) of the law (43 P.S. § 761(a)), section 404(e)(2) of the law and 34 Pa. Code § 65.111 (relating to benefit table), the Table for 2021 is being adopted by this notice and will be codified in 34 Pa. Code Chapter 65, Appendix A.

Under section 404(e)(2) of the law, this Table is effective for claimants whose benefit year begins on or after January 1, 2021.

Questions concerning this notice should be directed to William L. Trusky, Jr., Deputy Secretary for Unemployment Compensation Programs, 651 Boas Street, Room 1700, Harrisburg, PA 17121.

JENNIFER L. BERRIER,  
*Acting Secretary*

#### Appendix A

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$1,688—\$1,712	\$68	\$2,718
\$1,713—\$1,737	\$69	\$2,758
\$1,738—\$1,762	\$70	\$2,797
\$1,763—\$1,787	\$71	\$2,837
\$1,788—\$1,812	\$72	\$2,877
\$1,813—\$1,837	\$73	\$2,916
\$1,838—\$1,862	\$74	\$2,956
\$1,863—\$1,887	\$75	\$2,996
\$1,888—\$1,912	\$76	\$3,035
\$1,913—\$1,937	\$77	\$3,075
\$1,938—\$1,962	\$78	\$3,115
\$1,963—\$1,987	\$79	\$3,154
\$1,988—\$2,012	\$80	\$3,194



<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$2,013—\$2,037	\$81	\$3,234	\$3,638—\$3,662	\$145	\$5,813
\$2,038—\$2,062	\$82	\$3,274	\$3,663—\$3,687	\$146	\$5,853
\$2,063—\$2,087	\$83	\$3,313	\$3,688—\$3,712	\$147	\$5,893
\$2,088—\$2,112	\$84	\$3,353	\$3,713—\$3,737	\$147	\$5,932
\$2,113—\$2,137	\$85	\$3,393	\$3,738—\$3,762	\$148	\$5,972
\$2,138—\$2,162	\$86	\$3,432	\$3,763—\$3,787	\$149	\$6,012
\$2,163—\$2,187	\$87	\$3,472	\$3,788—\$3,812	\$150	\$6,051
\$2,188—\$2,212	\$88	\$3,512	\$3,813—\$3,837	\$151	\$6,091
\$2,213—\$2,237	\$89	\$3,551	\$3,838—\$3,862	\$152	\$6,131
\$2,238—\$2,262	\$90	\$3,591	\$3,863—\$3,887	\$153	\$6,170
\$2,263—\$2,287	\$91	\$3,631	\$3,888—\$3,912	\$154	\$6,210
\$2,288—\$2,312	\$92	\$3,670	\$3,913—\$3,937	\$155	\$6,250
\$2,313—\$2,337	\$93	\$3,710	\$3,938—\$3,962	\$156	\$6,289
\$2,338—\$2,362	\$94	\$3,750	\$3,963—\$3,987	\$157	\$6,329
\$2,363—\$2,387	\$95	\$3,789	\$3,988—\$4,012	\$158	\$6,369
\$2,388—\$2,412	\$96	\$3,829	\$4,013—\$4,037	\$159	\$6,408
\$2,413—\$2,437	\$97	\$3,869	\$4,038—\$4,062	\$160	\$6,448
\$2,438—\$2,462	\$98	\$3,908	\$4,063—\$4,087	\$161	\$6,488
\$2,463—\$2,487	\$98	\$3,948	\$4,088—\$4,112	\$162	\$6,527
\$2,488—\$2,512	\$99	\$3,988	\$4,113—\$4,137	\$163	\$6,567
\$2,513—\$2,537	\$100	\$4,027	\$4,138—\$4,162	\$164	\$6,607
\$2,538—\$2,562	\$101	\$4,067	\$4,163—\$4,187	\$165	\$6,647
\$2,563—\$2,587	\$102	\$4,107	\$4,188—\$4,212	\$166	\$6,686
\$2,588—\$2,612	\$103	\$4,147	\$4,213—\$4,237	\$167	\$6,726
\$2,613—\$2,637	\$104	\$4,186	\$4,238—\$4,262	\$168	\$6,766
\$2,638—\$2,662	\$105	\$4,226	\$4,263—\$4,287	\$169	\$6,805
\$2,663—\$2,687	\$106	\$4,266	\$4,288—\$4,312	\$170	\$6,845
\$2,688—\$2,712	\$107	\$4,305	\$4,313—\$4,337	\$171	\$6,885
\$2,713—\$2,737	\$108	\$4,345	\$4,338—\$4,362	\$172	\$6,924
\$2,738—\$2,762	\$109	\$4,385	\$4,363—\$4,387	\$173	\$6,964
\$2,763—\$2,787	\$110	\$4,424	\$4,388—\$4,412	\$174	\$7,004
\$2,788—\$2,812	\$111	\$4,464	\$4,413—\$4,437	\$175	\$7,043
\$2,813—\$2,837	\$112	\$4,504	\$4,438—\$4,462	\$176	\$7,083
\$2,838—\$2,862	\$113	\$4,543	\$4,463—\$4,487	\$177	\$7,123
\$2,863—\$2,887	\$114	\$4,583	\$4,488—\$4,512	\$178	\$7,162
\$2,888—\$2,912	\$115	\$4,623	\$4,513—\$4,537	\$179	\$7,202
\$2,913—\$2,937	\$116	\$4,662	\$4,538—\$4,562	\$180	\$7,242
\$2,938—\$2,962	\$117	\$4,702	\$4,563—\$4,587	\$181	\$7,281
\$2,963—\$2,987	\$118	\$4,742	\$4,588—\$4,612	\$182	\$7,321
\$2,988—\$3,012	\$119	\$4,781	\$4,613—\$4,637	\$183	\$7,361
\$3,013—\$3,037	\$120	\$4,821	\$4,638—\$4,662	\$184	\$7,400
\$3,038—\$3,062	\$121	\$4,861	\$4,663—\$4,687	\$185	\$7,440
\$3,063—\$3,087	\$122	\$4,900	\$4,688—\$4,712	\$186	\$7,480
\$3,088—\$3,112	\$123	\$4,940	\$4,713—\$4,737	\$187	\$7,520
\$3,113—\$3,137	\$124	\$4,980	\$4,738—\$4,762	\$188	\$7,559
\$3,138—\$3,162	\$125	\$5,020	\$4,763—\$4,787	\$189	\$7,599
\$3,163—\$3,187	\$126	\$5,059	\$4,788—\$4,812	\$190	\$7,639
\$3,188—\$3,212	\$127	\$5,099	\$4,813—\$4,837	\$191	\$7,678
\$3,213—\$3,237	\$128	\$5,139	\$4,838—\$4,862	\$192	\$7,718
\$3,238—\$3,262	\$129	\$5,178	\$4,863—\$4,887	\$193	\$7,758
\$3,263—\$3,287	\$130	\$5,218	\$4,888—\$4,912	\$194	\$7,797
\$3,288—\$3,312	\$131	\$5,258	\$4,913—\$4,937	\$195	\$7,837
\$3,313—\$3,337	\$132	\$5,297	\$4,938—\$4,962	\$196	\$7,877
\$3,338—\$3,362	\$133	\$5,337	\$4,963—\$4,987	\$196	\$7,916
\$3,363—\$3,387	\$134	\$5,377	\$4,988—\$5,012	\$197	\$7,956
\$3,388—\$3,412	\$135	\$5,416	\$5,013—\$5,037	\$198	\$7,996
\$3,413—\$3,437	\$136	\$5,456	\$5,038—\$5,062	\$199	\$8,035
\$3,438—\$3,462	\$137	\$5,496	\$5,063—\$5,087	\$200	\$8,075
\$3,463—\$3,487	\$138	\$5,535	\$5,088—\$5,112	\$201	\$8,115
\$3,488—\$3,512	\$139	\$5,575	\$5,113—\$5,137	\$202	\$8,154
\$3,513—\$3,537	\$140	\$5,615	\$5,138—\$5,162	\$203	\$8,194
\$3,538—\$3,562	\$141	\$5,654	\$5,163—\$5,187	\$204	\$8,234
\$3,563—\$3,587	\$142	\$5,694	\$5,188—\$5,212	\$205	\$8,274
\$3,588—\$3,612	\$143	\$5,734	\$5,213—\$5,237	\$206	\$8,313
\$3,613—\$3,637	\$144	\$5,774	\$5,238—\$5,262	\$207	\$8,353

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$5,263—\$5,287	\$208	\$8,393	\$6,888—\$6,912	\$272	\$10,972
\$5,288—\$5,312	\$209	\$8,432	\$6,913—\$6,937	\$273	\$11,012
\$5,313—\$5,337	\$210	\$8,472	\$6,938—\$6,962	\$274	\$11,051
\$5,338—\$5,362	\$211	\$8,512	\$6,963—\$6,987	\$275	\$11,091
\$5,363—\$5,387	\$212	\$8,551	\$6,988—\$7,012	\$276	\$11,131
\$5,388—\$5,412	\$213	\$8,591	\$7,013—\$7,037	\$277	\$11,170
\$5,413—\$5,437	\$214	\$8,631	\$7,038—\$7,062	\$278	\$11,210
\$5,438—\$5,462	\$215	\$8,670	\$7,063—\$7,087	\$279	\$11,250
\$5,463—\$5,487	\$216	\$8,710	\$7,088—\$7,112	\$280	\$11,289
\$5,488—\$5,512	\$217	\$8,750	\$7,113—\$7,137	\$281	\$11,329
\$5,513—\$5,537	\$218	\$8,789	\$7,138—\$7,162	\$282	\$11,369
\$5,538—\$5,562	\$219	\$8,829	\$7,163—\$7,187	\$283	\$11,408
\$5,563—\$5,587	\$220	\$8,869	\$7,188—\$7,212	\$284	\$11,448
\$5,588—\$5,612	\$221	\$8,908	\$7,213—\$7,237	\$285	\$11,488
\$5,613—\$5,637	\$222	\$8,948	\$7,238—\$7,262	\$286	\$11,527
\$5,638—\$5,662	\$223	\$8,988	\$7,263—\$7,287	\$287	\$11,567
\$5,663—\$5,687	\$224	\$9,027	\$7,288—\$7,312	\$288	\$11,607
\$5,688—\$5,712	\$225	\$9,067	\$7,313—\$7,337	\$289	\$11,647
\$5,713—\$5,737	\$226	\$9,107	\$7,338—\$7,362	\$290	\$11,686
\$5,738—\$5,762	\$227	\$9,147	\$7,363—\$7,387	\$291	\$11,726
\$5,763—\$5,787	\$228	\$9,186	\$7,388—\$7,412	\$292	\$11,766
\$5,788—\$5,812	\$229	\$9,226	\$7,413—\$7,437	\$293	\$11,805
\$5,813—\$5,837	\$230	\$9,266	\$7,438—\$7,462	\$294	\$11,845
\$5,838—\$5,862	\$231	\$9,305	\$7,463—\$7,487	\$294	\$11,885
\$5,863—\$5,887	\$232	\$9,345	\$7,488—\$7,512	\$295	\$11,924
\$5,888—\$5,912	\$233	\$9,385	\$7,513—\$7,537	\$296	\$11,964
\$5,913—\$5,937	\$234	\$9,424	\$7,538—\$7,562	\$297	\$12,004
\$5,938—\$5,962	\$235	\$9,464	\$7,563—\$7,587	\$298	\$12,043
\$5,963—\$5,987	\$236	\$9,504	\$7,588—\$7,612	\$299	\$12,083
\$5,988—\$6,012	\$237	\$9,543	\$7,613—\$7,637	\$300	\$12,123
\$6,013—\$6,037	\$238	\$9,583	\$7,638—\$7,662	\$301	\$12,162
\$6,038—\$6,062	\$239	\$9,623	\$7,663—\$7,687	\$302	\$12,202
\$6,063—\$6,087	\$240	\$9,662	\$7,688—\$7,712	\$303	\$12,242
\$6,088—\$6,112	\$241	\$9,702	\$7,713—\$7,737	\$304	\$12,281
\$6,113—\$6,137	\$242	\$9,742	\$7,738—\$7,762	\$305	\$12,321
\$6,138—\$6,162	\$243	\$9,781	\$7,763—\$7,787	\$306	\$12,361
\$6,163—\$6,187	\$244	\$9,821	\$7,788—\$7,812	\$307	\$12,400
\$6,188—\$6,212	\$245	\$9,861	\$7,813—\$7,837	\$308	\$12,440
\$6,213—\$6,237	\$245	\$9,900	\$7,838—\$7,862	\$309	\$12,480
\$6,238—\$6,262	\$246	\$9,940	\$7,863—\$7,887	\$310	\$12,520
\$6,263—\$6,287	\$247	\$9,980	\$7,888—\$7,912	\$311	\$12,559
\$6,288—\$6,312	\$248	\$10,020	\$7,913—\$7,937	\$312	\$12,599
\$6,313—\$6,337	\$249	\$10,059	\$7,938—\$7,962	\$313	\$12,639
\$6,338—\$6,362	\$250	\$10,099	\$7,963—\$7,987	\$314	\$12,678
\$6,363—\$6,387	\$251	\$10,139	\$7,988—\$8,012	\$315	\$12,718
\$6,388—\$6,412	\$252	\$10,178	\$8,013—\$8,037	\$316	\$12,758
\$6,413—\$6,437	\$253	\$10,218	\$8,038—\$8,062	\$317	\$12,797
\$6,438—\$6,462	\$254	\$10,258	\$8,063—\$8,087	\$318	\$12,837
\$6,463—\$6,487	\$255	\$10,297	\$8,088—\$8,112	\$319	\$12,877
\$6,488—\$6,512	\$256	\$10,337	\$8,113—\$8,137	\$320	\$12,916
\$6,513—\$6,537	\$257	\$10,377	\$8,138—\$8,162	\$321	\$12,956
\$6,538—\$6,562	\$258	\$10,416	\$8,163—\$8,187	\$322	\$12,996
\$6,563—\$6,587	\$259	\$10,456	\$8,188—\$8,212	\$323	\$13,035
\$6,588—\$6,612	\$260	\$10,496	\$8,213—\$8,237	\$324	\$13,075
\$6,613—\$6,637	\$261	\$10,535	\$8,238—\$8,262	\$325	\$13,115
\$6,638—\$6,662	\$262	\$10,575	\$8,263—\$8,287	\$326	\$13,154
\$6,663—\$6,687	\$263	\$10,615	\$8,288—\$8,312	\$327	\$13,194
\$6,688—\$6,712	\$264	\$10,654	\$8,313—\$8,337	\$328	\$13,234
\$6,713—\$6,737	\$265	\$10,694	\$8,338—\$8,362	\$329	\$13,274
\$6,738—\$6,762	\$266	\$10,734	\$8,363—\$8,387	\$330	\$13,313
\$6,763—\$6,787	\$267	\$10,774	\$8,388—\$8,412	\$331	\$13,353
\$6,788—\$6,812	\$268	\$10,813	\$8,413—\$8,437	\$332	\$13,393
\$6,813—\$6,837	\$269	\$10,853	\$8,438—\$8,462	\$333	\$13,432
\$6,838—\$6,862	\$270	\$10,893	\$8,463—\$8,487	\$334	\$13,472
\$6,863—\$6,887	\$271	\$10,932	\$8,488—\$8,512	\$335	\$13,512

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$8,513—\$8,537	\$336	\$13,551	\$10,138—\$10,162	\$399	\$16,131
\$8,538—\$8,562	\$337	\$13,591	\$10,163—\$10,187	\$400	\$16,170
\$8,563—\$8,587	\$338	\$13,631	\$10,188—\$10,212	\$401	\$16,210
\$8,588—\$8,612	\$339	\$13,670	\$10,213—\$10,237	\$402	\$16,250
\$8,613—\$8,637	\$340	\$13,710	\$10,238—\$10,262	\$403	\$16,289
\$8,638—\$8,662	\$341	\$13,750	\$10,263—\$10,287	\$404	\$16,329
\$8,663—\$8,687	\$342	\$13,789	\$10,288—\$10,312	\$405	\$16,369
\$8,688—\$8,712	\$343	\$13,829	\$10,313—\$10,337	\$406	\$16,408
\$8,713—\$8,737	\$343	\$13,869	\$10,338—\$10,362	\$407	\$16,448
\$8,738—\$8,762	\$344	\$13,908	\$10,363—\$10,387	\$408	\$16,488
\$8,763—\$8,787	\$345	\$13,948	\$10,388—\$10,412	\$409	\$16,527
\$8,788—\$8,812	\$346	\$13,988	\$10,413—\$10,437	\$410	\$16,567
\$8,813—\$8,837	\$347	\$14,027	\$10,438—\$10,462	\$411	\$16,607
\$8,838—\$8,862	\$348	\$14,067	\$10,463—\$10,487	\$412	\$16,647
\$8,863—\$8,887	\$349	\$14,107	\$10,488—\$10,512	\$413	\$16,686
\$8,888—\$8,912	\$350	\$14,147	\$10,513—\$10,537	\$414	\$16,726
\$8,913—\$8,937	\$351	\$14,186	\$10,538—\$10,562	\$415	\$16,766
\$8,938—\$8,962	\$352	\$14,226	\$10,563—\$10,587	\$416	\$16,805
\$8,963—\$8,987	\$353	\$14,266	\$10,588—\$10,612	\$417	\$16,845
\$8,988—\$9,012	\$354	\$14,305	\$10,613—\$10,637	\$418	\$16,885
\$9,013—\$9,037	\$355	\$14,345	\$10,638—\$10,662	\$419	\$16,924
\$9,038—\$9,062	\$356	\$14,385	\$10,663—\$10,687	\$420	\$16,964
\$9,063—\$9,087	\$357	\$14,424	\$10,688—\$10,712	\$421	\$17,004
\$9,088—\$9,112	\$358	\$14,464	\$10,713—\$10,737	\$422	\$17,043
\$9,113—\$9,137	\$359	\$14,504	\$10,738—\$10,762	\$423	\$17,083
\$9,138—\$9,162	\$360	\$14,543	\$10,763—\$10,787	\$424	\$17,123
\$9,163—\$9,187	\$361	\$14,583	\$10,788—\$10,812	\$425	\$17,162
\$9,188—\$9,212	\$362	\$14,623	\$10,813—\$10,837	\$426	\$17,202
\$9,213—\$9,237	\$363	\$14,662	\$10,838—\$10,862	\$427	\$17,242
\$9,238—\$9,262	\$364	\$14,702	\$10,863—\$10,887	\$428	\$17,281
\$9,263—\$9,287	\$365	\$14,742	\$10,888—\$10,912	\$429	\$17,321
\$9,288—\$9,312	\$366	\$14,781	\$10,913—\$10,937	\$430	\$17,361
\$9,313—\$9,337	\$367	\$14,821	\$10,938—\$10,962	\$431	\$17,400
\$9,338—\$9,362	\$368	\$14,861	\$10,963—\$10,987	\$432	\$17,440
\$9,363—\$9,387	\$369	\$14,900	\$10,988—\$11,012	\$433	\$17,480
\$9,388—\$9,412	\$370	\$14,940	\$11,013—\$11,037	\$434	\$17,520
\$9,413—\$9,437	\$371	\$14,980	\$11,038—\$11,062	\$435	\$17,559
\$9,438—\$9,462	\$372	\$15,020	\$11,063—\$11,087	\$436	\$17,599
\$9,463—\$9,487	\$373	\$15,059	\$11,088—\$11,112	\$437	\$17,639
\$9,488—\$9,512	\$374	\$15,099	\$11,113—\$11,137	\$438	\$17,678
\$9,513—\$9,537	\$375	\$15,139	\$11,138—\$11,162	\$439	\$17,718
\$9,538—\$9,562	\$376	\$15,178	\$11,163—\$11,187	\$440	\$17,758
\$9,563—\$9,587	\$377	\$15,218	\$11,188—\$11,212	\$441	\$17,797
\$9,588—\$9,612	\$378	\$15,258	\$11,213—\$11,237	\$441	\$17,837
\$9,613—\$9,637	\$379	\$15,297	\$11,238—\$11,262	\$442	\$17,877
\$9,638—\$9,662	\$380	\$15,337	\$11,263—\$11,287	\$443	\$17,916
\$9,663—\$9,687	\$381	\$15,377	\$11,288—\$11,312	\$444	\$17,956
\$9,688—\$9,712	\$382	\$15,416	\$11,313—\$11,337	\$445	\$17,996
\$9,713—\$9,737	\$383	\$15,456	\$11,338—\$11,362	\$446	\$18,035
\$9,738—\$9,762	\$384	\$15,496	\$11,363—\$11,387	\$447	\$18,075
\$9,763—\$9,787	\$385	\$15,535	\$11,388—\$11,412	\$448	\$18,115
\$9,788—\$9,812	\$386	\$15,575	\$11,413—\$11,437	\$449	\$18,154
\$9,813—\$9,837	\$387	\$15,615	\$11,438—\$11,462	\$450	\$18,194
\$9,838—\$9,862	\$388	\$15,654	\$11,463—\$11,487	\$451	\$18,234
\$9,863—\$9,887	\$389	\$15,694	\$11,488—\$11,512	\$452	\$18,274
\$9,888—\$9,912	\$390	\$15,734	\$11,513—\$11,537	\$453	\$18,313
\$9,913—\$9,937	\$391	\$15,774	\$11,538—\$11,562	\$454	\$18,353
\$9,938—\$9,962	\$392	\$15,813	\$11,563—\$11,587	\$455	\$18,393
\$9,963—\$9,987	\$392	\$15,853	\$11,588—\$11,612	\$456	\$18,432
\$9,988—\$10,012	\$393	\$15,893	\$11,613—\$11,637	\$457	\$18,472
\$10,013—\$10,037	\$394	\$15,932	\$11,638—\$11,662	\$458	\$18,512
\$10,038—\$10,062	\$395	\$15,972	\$11,663—\$11,687	\$459	\$18,551
\$10,063—\$10,087	\$396	\$16,012	\$11,688—\$11,712	\$460	\$18,591
\$10,088—\$10,112	\$397	\$16,051	\$11,713—\$11,737	\$461	\$18,631
\$10,113—\$10,137	\$398	\$16,091	\$11,738—\$11,762	\$462	\$18,670

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>
\$11,763—\$11,787	\$463	\$18,710	\$13,338—\$13,362	\$525	\$21,210
\$11,788—\$11,812	\$464	\$18,750	\$13,363—\$13,387	\$526	\$21,250
\$11,813—\$11,837	\$465	\$18,789	\$13,388—\$13,412	\$527	\$21,289
\$11,838—\$11,862	\$466	\$18,829	\$13,413—\$13,437	\$528	\$21,329
\$11,863—\$11,887	\$467	\$18,869	\$13,438—\$13,462	\$529	\$21,369
\$11,888—\$11,912	\$468	\$18,908	\$13,463—\$13,487	\$530	\$21,408
\$11,913—\$11,937	\$469	\$18,948	\$13,488—\$13,512	\$531	\$21,448
\$11,938—\$11,962	\$470	\$18,988	\$13,513—\$13,537	\$532	\$21,488
\$11,963—\$11,987	\$471	\$19,027	\$13,538—\$13,562	\$533	\$21,527
\$11,988—\$12,012	\$472	\$19,067	\$13,563—\$13,587	\$534	\$21,567
\$12,013—\$12,037	\$473	\$19,107	\$13,588—\$13,612	\$535	\$21,607
\$12,038—\$12,062	\$474	\$19,147	\$13,613—\$13,637	\$536	\$21,647
\$12,063—\$12,087	\$475	\$19,186	\$13,638—\$13,662	\$537	\$21,686
\$12,088—\$12,112	\$476	\$19,226	\$13,663—\$13,687	\$538	\$21,726
\$12,113—\$12,137	\$477	\$19,266	\$13,688—\$13,712	\$539	\$21,766
\$12,138—\$12,162	\$478	\$19,305	\$13,713—\$13,737	\$539	\$21,805
\$12,163—\$12,187	\$479	\$19,345	\$13,738—\$13,762	\$540	\$21,845
\$12,188—\$12,212	\$480	\$19,385	\$13,763—\$13,787	\$541	\$21,885
\$12,213—\$12,237	\$481	\$19,424	\$13,788—\$13,812	\$542	\$21,924
\$12,238—\$12,262	\$482	\$19,464	\$13,813—\$13,837	\$543	\$21,964
\$12,263—\$12,287	\$483	\$19,504	\$13,838—\$13,862	\$544	\$22,004
\$12,288—\$12,312	\$484	\$19,543	\$13,863—\$13,887	\$545	\$22,043
\$12,313—\$12,337	\$485	\$19,583	\$13,888—\$13,912	\$546	\$22,083
\$12,338—\$12,362	\$486	\$19,623	\$13,913—\$13,937	\$547	\$22,123
\$12,363—\$12,387	\$487	\$19,662	\$13,938—\$13,962	\$548	\$22,162
\$12,388—\$12,412	\$488	\$19,702	\$13,963—\$13,987	\$549	\$22,202
\$12,413—\$12,437	\$489	\$19,742	\$13,988—\$14,012	\$550	\$22,242
\$12,438—\$12,462	\$490	\$19,781	\$14,013—\$14,037	\$551	\$22,281
\$12,463—\$12,487	\$490	\$19,821	\$14,038—\$14,062	\$552	\$22,321
\$12,488—\$12,512	\$491	\$19,861	\$14,063—\$14,087	\$553	\$22,361
\$12,513—\$12,537	\$492	\$19,900	\$14,088—\$14,112	\$554	\$22,400
\$12,538—\$12,562	\$493	\$19,940	\$14,113—\$14,137	\$555	\$22,440
\$12,563—\$12,587	\$494	\$19,980	\$14,138—\$14,162	\$556	\$22,480
\$12,588—\$12,612	\$495	\$20,020	\$14,163—\$14,187	\$557	\$22,520
\$12,613—\$12,637	\$496	\$20,059	\$14,188—\$14,212	\$558	\$22,559
\$12,638—\$12,662	\$497	\$20,099	\$14,213—\$14,237	\$559	\$22,599
\$12,663—\$12,687	\$498	\$20,139	\$14,238—\$14,262	\$560	\$22,639
\$12,688—\$12,712	\$499	\$20,178	\$14,263—\$14,287	\$561	\$22,678
\$12,713—\$12,737	\$500	\$20,218	\$14,288—\$14,312	\$562	\$22,718
\$12,738—\$12,762	\$501	\$20,258	\$14,313—\$14,337	\$563	\$22,758
\$12,763—\$12,787	\$502	\$20,297	\$14,338—\$14,362	\$564	\$22,797
\$12,788—\$12,812	\$503	\$20,337	\$14,363—\$14,387	\$565	\$22,837
\$12,813—\$12,837	\$504	\$20,377	\$14,388—\$14,412	\$566	\$22,877
\$12,838—\$12,862	\$505	\$20,416	\$14,413—\$14,437	\$567	\$22,916
\$12,863—\$12,887	\$506	\$20,456	\$14,438—\$14,462	\$568	\$22,956
\$12,888—\$12,912	\$507	\$20,496	\$14,463—\$14,487	\$569	\$22,996
\$12,913—\$12,937	\$508	\$20,535	\$14,488—\$14,512	\$570	\$23,035
\$12,938—\$12,962	\$509	\$20,575	\$14,513—\$14,537	\$571	\$23,075
\$12,963—\$12,987	\$510	\$20,615	\$14,538—\$14,562	\$572	\$23,115
\$12,988—\$13,012	\$511	\$20,654	\$14,563—\$14,587	\$573	\$23,154
\$13,013—\$13,037	\$512	\$20,694	\$14,588—\$14,612	\$574	\$23,194
\$13,038—\$13,062	\$513	\$20,734	\$14,613—\$14,637	\$575	\$23,234
\$13,063—\$13,087	\$514	\$20,774	\$14,638—\$14,662	\$576	\$23,274
\$13,088—\$13,112	\$515	\$20,813	\$14,663—\$14,687	\$577	\$23,313
\$13,113—\$13,137	\$516	\$20,853	\$14,688—\$14,712	\$578	\$23,353
\$13,138—\$13,162	\$517	\$20,893	\$14,713—\$14,737	\$579	\$23,393
\$13,163—\$13,187	\$518	\$20,932	\$14,738—\$14,762	\$580	\$23,432
\$13,188—\$13,212	\$519	\$20,972	\$14,763—\$14,787	\$581	\$23,472
\$13,213—\$13,237	\$520	\$21,012	\$14,788—\$14,812	\$582	\$23,512
\$13,238—\$13,262	\$521	\$21,051	\$14,813 or more	\$583	\$23,551
\$13,263—\$13,287	\$522	\$21,091			
\$13,288—\$13,312	\$523	\$21,131			
\$13,313—\$13,337	\$524	\$21,170			

[Pa.B. Doc. No. 21-96. Filed for public inspection January 15, 2021, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-525	Environmental Quality Board Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II) 50 Pa.B. 5236 (September 26, 2020)	11/30/20	12/30/20

### Environmental Quality Board Regulation # 7-525 (IRRC # 3266)

#### Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II) December 30, 2020

We submit for your consideration the following comments on the proposed rulemaking published in the September 26, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (Act) (71 P.S. § 745.5b). Section 5.1(a) of the Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

#### 1. Section 129.61a. Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control.—Economic or fiscal impacts; Clarity and lack of ambiguity; Implementation procedures.

In Subsection (k) (relating to low permeation hoses and enhanced conventional nozzles), the proposed regulation requires an owner or operator in Paragraph (2) to install enhanced conventional nozzles on each gasoline dispenser. Commenters assert that this requirement would have a negative fiscal impact on the owner or operator due to the high cost of these nozzles. Additionally, commenters state that the emission factor calculation for spillage does not account for nozzles with unreliable automatic shutoff mechanisms. We ask the Board to explain in the Preamble and Regulatory Analysis Form (RAF) of the final regulation how the benefits of enhanced conventional nozzles outweigh the negative fiscal and environmental impacts.

Subsection (o) (relating to record certifying the low permeation hoses and enhanced conventional nozzles) requires the owner or operator to maintain onsite at the gasoline dispensing facility a copy of the training schedule and written instructions. For this and other sections which require hard copies to be maintained onsite, would the Board allow electronic copies to meet these requirements? We ask the Board to revise the final form regulation or to explain why it is in the public interest to require hard copies to be maintained onsite.

#### 2. Section 129.82a. Requirements to decommission a Stage II vapor recovery system.—Clarity and lack of ambiguity; Implementation procedures.

Under Subsection (g) (relating to retention of responsibilities under Section 129.61) and Subsection (h) (relating to retention of responsibilities under Section 129.61a), an existing decommissioned facility is subject to routine testing once in every 12-month period. Would the 12-month period begin with the effective date of publication of the final regulation or is the testing to take place once each calendar year? We ask the Board to clarify in the final regulation how the regulated community will satisfy this requirement.

#### 3. Implementation procedures.

In response to Regulatory Analysis Form Question # 15 regarding who is affected by the regulation, the Board states that “small businesses that test vapor recovery systems exist, but it is impossible to determine their exact number” because “these companies are not required to register with the Department [of Environmental Protection (Department)].” However, the Board states that the regulation would require all testers and installers of vapor recovery equipment to be certified by the Department. How does the Board plan to publicize the certification requirement so that unregistered testers and installers are aware of the certification requirement? We ask the Board to explain in the Preamble and RAF of the final regulation how this requirement will be implemented.

#### 4. Miscellaneous clarity.

In Section 121.1 (relating to definitions), does the term “Stage II vapor recovery system” include the terms “Stage II vacuum assist vapor recovery system” and “Stage II vapor balance vapor recovery system?” If so, we ask the Board to clarify the definition in the final form regulation.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 21-97. Filed for public inspection January 15, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of the Insurance Company Law of 1921 (40 P.S. § 991.1605(b)), the Insurance Department (Department) publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List published at 50 Pa.B. 424 (January 18, 2020).

Persons with questions concerning this notice should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735, cbybee@pa.gov.

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
133877	ACCELERANT SPECIALTY INSURANCE COMPANY	400 NORTHRIDGE ROAD SUITE 800 SANDY SPRINGS, GA 30350
133965	ACCREDITED SPECIALTY INSURANCE COMPANY	300 W. CLARENDON AVENUE SUITE 240 PHOENIX, AZ 85013
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
39135	AGENT ALLIANCE INSURANCE COMPANY	3800 SOLLIE ROAD MOBILE, AL 36619
10521	AIG SPECIALTY INSURANCE COMPANY	500 WEST MADISON STREET SUITE 3000 CHICAGO, IL 60661
67489	AIX SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
48099	ALLIANZ GLOBAL CORPORATE & SPECIALTY SE	KONIGINASTRASSE 28 MUNICH, Germany D80802
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	225 W. WASHINGTON STREET SUITE 1800 CHICAGO, IL 60606
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	251 LITTLE FALLS DRIVE SUITE 400 WILMINGTON, DE 19808
10600	ALLIED WORLD SURPLUS LINES INSURANCE COMPANY	425 WEST CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201-3525
106563	ALLY INTERNATIONAL INSURANCE COMPANY LTD	VICTORIA HALL 11 VICTORIA STREET HAMILTON, Bermuda HM11
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	20860 N TATUM BOULEVARD SUITE 400 PHOENIX, AZ 85050
131598	AMERICAN FEDERATION INSURANCE COMPANY	1945 LAKEPOINTE DRIVE LEWISVILLE, TX 75057
127915	AMERICAN INTERNATIONAL GROUP UK LIMITED	THE AIG BUILDING 58 FENCHURCH STREET EC3M4AB LONDON, United Kingdom
107529	AMERICAN NATIONAL LLOYDS INSURANCE COMPANY	ONE MOODY PLAZA GALVESTON, TX 77550
104146	AMERICAN SAFETY INSURANCE COMPANY	3715 NORTHSIDE PARKWAY ATLANTA, GA 30327-2806
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 BANK OF OKLAHOMA PLAZA OKLAHOMA CITY, OK 73102
83774	AMTRUST INTERNATIONAL UNDERWRITERS DAC	40 WESTLAND ROW DUBLIN, Ireland 2

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10524	APPALACHIAN INSURANCE COMPANY	270 CENTRAL AVENUE JOHNSTON, RI 02919-4949
97477	ARCH INSURANCE (UK) LIMITED	6TH FLOOR PLANTATION PLACE SOUTH 60 GREAT TOWER STREET LONDON, United Kingdom EC3R 5AZ
10587	ARCH SPECIALTY INSURANCE COMPANY	2345 GRAND BOULEVARD SUITE 900 KANSAS CITY, MO 64108
128566	ASCOT SPECIALTY INSURANCE COMPANY	10 JEFFERSON BLVD. WARWICK, RI 02888
51442	ASPEN INSURANCE UK LIMITED	30 FENCHURCH STREET LONDON, United Kingdom EC3M 3BD
35611	ASPEN SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
22348	ASSICURAZIONI GENERALI S.P.A.	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, Italy 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	6TH FLOOR, 141 FRONT STREET HAMILTON, Bermuda HM 19
94396	ASSOCIATED INDUSTRIES INSURANCE COMPANY	903 N W 65TH STREET SUITE 300 BOCA RATON, FL 33487-2864
52712	ATAIN INSURANCE COMPANY	2301 E.LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
127831	ATEGRITY SPECIALTY INSURANCE COMPANY	CORPORATION CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534
127473	AVIVA INSURANCE LIMITED	PITHEAVLIS PERTH PH2 ONH SCOTLAND, United Kingdom
59554	AXIS SPECIALTY EUROPE SE	MOUNT HERBERT COURT 34 UPPER MOUNT STREET DUBLIN, Ireland 2
10592	AXIS SURPLUS INSURANCE COMPANY	111 SOUTH WACKER DRIVE SUITE 3500 CHICAGO, IL 60606
133613	AZGUARD INSURANCE COMPANY	39 PUBIC SQUARE WILKES-BARRE, PA 18703
10584	BERKLEY ASSURANCE COMPANY	11201 DOUGLAS AVENUE URBANDALE, IA 50322
75458	BERKLEY SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	33 ST MARY AXE LONDON, United Kingdom EC3A 8LL
79945	BLACKBOARD SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
116246	BLUE HILL SPECIALTY INSURANCE COMPANY INC.	C/O CT CORPORATION SYSTEM 208 SOUTH LASALLE STREET SUITE 814 CHICAGO, IL 60604
63828	BRIDGEWAY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
8689	BURLINGTON INSURANCE COMPANY	222 WEST ADAMS STREET CHICAGO, IL 60606
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
75544	CANOPIUS US INSURANCE, INC	C/O THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562
63239	CATLIN SPECIALTY INSURANCE COMPANY	C/O THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	550 POLARIS PARKWAY WESTERVILLE, OH 43082
10532	CHUBB CUSTOM INSURANCE COMPANY	202B HALL'S MILL ROAD WHITEHOUSE STATION, NJ 08889
48123	CHUBB EUROPEAN GROUP SE	LA TOUR CARPE DIEM 31 PLACE DES COROLLES, ESPLÉNADE NORD COURBEVOIE, France 92400
72782	CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY (THE)	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802-4810
45736	CLEAR BLUE SPECIALTY INSURANCE COMPANY	200 SOUTH COLLEGE STREET SUITE 1910 CHARLOTTE, NC 28202
118669	CM VANTAGE SPECIALTY INSURANCE COMPANY	3000 SCHUSTER LANE MERRILL, WI 54452
10533	COLONY INSURANCE COMPANY	8720 STONY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10534	COLUMBIA CASUALTY COMPANY	151 N. FRANKLIN STREET CHICAGO, IL 60606
86914	CONIFER INSURANCE COMPANY	550 W. MERRILL STREET SUITE 200 BIRMINGHAM, MI 48009
131888	CONVEX INSURANCE UK LIMITED	1 ST. KATHERINE'S WAY E1W1UN LONDON, United Kingdom
115462	COVERYS SPECIALTY INSURANCE COMPANY	67 EAST PARK PLACE SUITE 703 MORRISTOWN, NJ 07960
96047	COVINGTON SPECIALTY INSURANCE COMPANY	c/o NIXON PEABODY LLP 900 ELM STREET MANCHESTER, NH 03101
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
126299	CRYSTAL RIDGE SPECIALTY INSURANCE COMPANY INC.	104 SOUTH MICHIGAN AVENUE SUITE 600 CHICAGO, IL 60603
66658	CUMIS SPECIALTY INSURANCE COMPANY, INC.	2000 HERITAGE WAY WAVERLY, IA 50677



<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
37001	DISCOVER SPECIALTY INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
125558	DORCHESTER INSURANCE COMPANY, LTD.	6-7 DRONNINGENS GABE SUITE 202 ST. THOMAS, VI 00802-1520
10541	EMPIRE INDEMNITY INSURANCE COMPANY	BROADWAY EXECUTIVE PARK 9 200 NW 66TH STREET SUITE 965 OKLAHOMA CITY, OK 73116
63338	ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
94256	ENDURANCE SPECIALTY INSURANCE LTD	WATERLOO HOUSE 100 PITTS BAY ROAD PEMBROKE, Bermuda HM 08
111852	ENDURANCE WORLDWIDE INSURANCE LIMITED	1ST FLOOR, 2 MINSTER COURT MINCING LANE LONDON, United Kingdom EC3R 788
127083	ENERGY INSURANCE MUTUAL LIMITED	CHANCERY HOUSE HIGH STREET BRIDGETOWN, Barbados
10543	EVANSTON INSURANCE COMPANY	10275 W. HIGGINS ROAD SUITE 750 ROSEMONT, IL 60018
10544	EVEREST INDEMNITY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
130365	EVEREST INSURANCE (IRELAND), DAC	HUGUENOT HOUSE 35-38 ST. STEPHEN'S GREEN DUBLIN, Ireland
130366	EVEREST INTERNATIONAL ASSURANCE, LTD.	HUGUENOT HOUSE 35-38 ST. STEPHEN'S GREEN DUBLIN, Ireland
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	202B HALL'S MILL ROAD WHITEHOUSE STATION, NJ 08889
105001	FAIR AMERICAN SELECT INSURANCE COMPANY	ONE LIBERTY PLAZA 165 BROADWAY NEW YORK, NY 10006
126696	FALLS LAKE FIRE AND CASUALTY COMPANY	6131 FALLS OF NEUSE ROAD SUITE 306 RALEIGH, NC 27609
129780	FIDELIS UNDERWRITING LIMITED	THE LEADENHALL BUILDING 34TH FLOOR 122 LEADENHALL STREET LONDON, United Kingdom EC3V 4AB
10549	FIRST MERCURY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65101-3206
127476	FITCHBURG MUTUAL INSURANCE COMPANY	222 AMES STREET DEDHAM, MA 02026-1850
133350	FORTEGRA SPECIALTY INSURANCE COMPANY	10151 DEERWOOD PARK BLVD. BLDG. 100, STE. 300 JACKSONVILLE, FL 32256
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	2338 W. ROYAL PALM ROAD SUITE J PHOENIX, AZ 85021
10554	GENERAL STAR INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
58119	GEOVERA SPECIALTY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
73754	GNY CUSTOM INSURANCE COMPANY	200 MADISON AVENUE NEW YORK, NY 10016-3904
123319	GOLDEN BEAR INSURANCE COMPANY	1550 WEST FREMONT STREET 2ND FLOOR STOCKTON, CA 95203
10556	GOTHAM INSURANCE COMPANY	59 MAIDEN LANE 27TH FLOOR NEW YORK, NY 10038
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	301 EAST FOURTH STREET CINCINNATI, OH 45202
22412	GREAT LAKES INSURANCE SE	KONIGINSTR 107 MUNICH, Germany 80802
100854	GUIDEONE NATIONAL INSURANCE COMPANY	1111 ASHWORTH ROAD WEST DES MOINES, IA 50265-3538
36489	GUILFORD INSURANCE COMPANY	222 WEST ADAMS STREET CHICAGO, IL 60606
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
103324	HALLMARK SPECIALTY INSURANCE COMPANY	201 ROBERT S. KERR AVENUE SUITE 600 OKLAHOMA CITY, OK 73102
103749	HAMILTON INSURANCE DAC	33 SIR JOHN ROGERSON'S QUAY 2ND FLOOR DUBLIN, Ireland 2
126737	HANOVER ATLANTIC INSURANCE COMPANY, LTD. (THE)	CANONS COURT 22 VICTORIA STREET HAMILTON, Bermuda HM12
28076	HDI GLOBAL SPECIALTY SE	2ND FLOOR, 1 ARLINGTON SQUARE DOWNSHIRE WAY BERKSHIRE, United Kingdom RG12 1WA
123955	HDI SPECIALTY INSURANCE COMPANY	161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601
121546	HELVETIA SWISS INSURANCE COMPANY IN LIECHTENSTEIN LTD.	HERRENGASSE 11 9490 VADUZ LIECHTENSTEIN, Lichtenstein
37373	HILLTOP SPECIALTY INSURANCE COMPANY	100 WILLIAM STREET 5TH FLR. NEW YORK, NY 10038
100960	HOMELAND INSURANCE COMPANY OF DELAWARE	1209 ORANGE STREET WILMINGTON, DE 19801
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	1000 WOODBURY ROAD SUITE 403 WOODBURY, NY 11797

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
128448	HOMESITE INSURANCE COMPANY OF FLORIDA	1 N. OLD STATE CAPITOL PLAZA SUITE 501 SPRINGFIELD, IL 62701-1323
124435	HOUSING SPECIALTY INSURANCE COMPANY, INC.	148 COLLEGE STREET BURLINGTON, VT 05401
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
75182	HOUSTON SPECIALTY INSURANCE COMPANY	800 GESSNER SUITE 600 HOUSTON, TX 77024
102374	HSB SPECIALTY INSURANCE COMPANY	ONE STATE STREET HARTFORD, CT 06102-5024
106322	HUDSON EXCESS INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10560	ILLINOIS EMCASCO INSURANCE COMPANY	717 MULBERRY STREET DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET SUITE 700 CHICAGO, IL 60661
10547	INDEPENDENT SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
10562	INDIAN HARBOR INSURANCE COMPANY	C/O THE CORPORATION TRUST CO. 1209 ORANGE STREET WILMINGTON, DE 19801
132121	INTERNATIONAL GENERAL INSURANCE COMPANY, LTD.	2 CHURCH STREET HAMILTON, Bermuda HM11
10564	INTERSTATE FIRE & CASUALTY COMPANY	225 WEST WASHINGTON STREET SUITE 1800 CHICAGO, IL 60606
10596	IRONSHORE SPECIALTY INSURANCE COMPANY	8601 NORTH SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253
119790	ISMIE INDEMNITY COMPANY	20 NORTH MICHIGAN AVENUE SUITE 700 CHICAGO, IL 60602-4811
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
36855	KINSALE INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201
108670	KNIGHT SPECIALTY INSURANCE COMPANY	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802-4810
130547	KW SPECIALTY INSURANCE COMPANY	501 SILVERSIDE ROAD SUITE 57 WILMINGTON, DE 19809
80046	LANCASHIRE INSURANCE COMPANY (UK) LIMITED	20 FENCHURCH STREET 29TH FLR. LONDON, United Kingdom EC3M 3BY
75297	LANCASHIRE INSURANCE COMPANY LIMITED	POWERHOUSE 7 PAR-LA-VILLE ROAD HAMILTON, Bermuda HM 11
8967	LANDMARK AMERICAN INSURANCE COMPANY	201 ROBERT KERR AVENUE SUITE 600 OKLAHOMA CITY, OK 73102-4267
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22415	LIBERTY MUTUAL INSURANCE EUROPE SE	5-7, RUE LEON LAVAL L-3372 LEUDELANGE, Luxembourg B 232280
70118	LIBERTY SPECIALTY MARKETS BERMUDA LIMITED	141 FRONT STREET HAMILTON, Bermuda HM19
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S, LONDON (UNDERWRITERS AT)	ONE LIME STREET LONDON, United Kingdom EC3M7HA
129637	MAPFRE ESPANA, COMPANIA DE SEGUROS Y REASEGUROS, S.A.	CARRETERA DE POZUELO, MAJADAHONDA 52 EDIFICIO M-II MADRID, Spain 28222
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM, WEST SUSSEX ENGLAND, Great Britain RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, United Kingdom EC3A2EA
10527	MAXUM INDEMNITY COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155
69016	MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND	225 INTERNATIONAL CIRCLE HUNT VALLEY, MD 21030
104147	MEDICAL SECURITY INSURANCE COMPANY	700 SPRING FOREST ROAD SUITE 400 RALEIGH, NC 27609
75542	MERCHANTS NATIONAL INSURANCE COMPANY	5 BEDFORD FARMS SUITE 101 BEDFORD, NH 03110
10553	MESA UNDERWRITERS SPECIALTY INSURANCE COMPANY	40 WANTAGE AVENUE BRANCHVILLE, NJ 07890
96043	MID-CONTINENT EXCESS AND SURPLUS INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
75518	MITSUI SUMITOMO INSURANCE COMPANY (EUROPE) LIMITED	25 FENCHURCH AVENUE LONDON, United Kingdom EC3M 5AD
129024	MOBILITAS INSURANCE COMPANY	5353 WEST BELL ROAD GLENDALE, AZ 85308
93838	MSIG SPECIALTY INSURANCE USA INC.	560 LEXINGTON AVENUE 20TH FLOOR NEW YORK, NY 10022
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	1314 DOUGLAS STREET SUITE 1400 OMAHA, NE 68102-1944
10574	NAUTILUS INSURANCE COMPANY	7233 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NAVIGATORS SPECIALTY INSURANCE COMPANY	ONE PENN PLAZA 32nd FLOOR NEW YORK, NY 10119-0002
10537	NOETIC SPECIALTY INSURANCE COMPANY	100 EAST STATE STREET MONTPELIER, VT 05602
9009	NORCAL SPECIALTY INSURANCE COMPANY	7600 NORTH CAPTIAL OF TEXAS HIGHWAY BUILDING B SUITE 300 AUSTIN, TX 78731

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
79123	NORTH LIGHT SPECIALTY INSURANCE COMPANY	2775 SANDERS ROAD NORTHBROOK, IL 60062-7127
10577	NORTHFIELD INSURANCE COMPANY	505 5TH AVENUE SUITE 729 DES MOINES, IA 50309
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, United Kingdom EC3P3DQ
127475	OKLAHOMA SPECIALTY INSURANCE COMPANY	201 ROBERT S. KERR SUITE 600 OKLAHOMA CITY, OK 73102
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
10566	PACIFIC INSURANCE COMPANY, LIMITED	ONE HARTFORD PLAZA HARTFORD, CT 06155
132732	PALOMAR EXCESS AND SURPLUS INSURANCE COMPANY	C/O C T CORPORATION SYSTEM 3800 NORTH CENTRAL AVENUE SUITE 460 PHOENIX, AZ 85012
99478	PARTNERRE IRELAND INSURANCE DAC	5TH FLOOR, BLOCK 1, THE OVAL 160 SHELBOURNE ROAD, BALLSBRIDGE DUBLIN, Ireland 4
10582	PELEUS INSURANCE COMPANY	8720 STONY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
58179	PENN-PATRIOT INSURANCE COMPANY	526 KING STREET ALEXANDRIA, VA 22314
74667	PRIME INSURANCE COMPANY	ONE SOUTH DEARBORN STREET SUITE 800 CHICAGO, IL 60603
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
44436	PROASSURANCE SPECIALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
117812	PROFESSIONAL SECURITY INSURANCE COMPANY	C/O S. DAVID CHILDERS KUTAK ROCK, LLP 8601 N. SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253-2742
75543	PROTECTIVE SPECIALTY INSURANCE COMPANY	111 CONGRESSIONAL BLVD SUITE 500 CARMEL, IN 46032
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
22449	QBE UK LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, United Kingdom EC3M 3BD
117810	RADNOR SPECIALTY INSURANCE COMPANY	10330 REGENCY PARKWAY DRIVE SUITE 100 OMAHA, NE 68114
70898	REPUBLIC-VANGUARD INSURANCE COMPANY	2390 E. CAMELBACK ROAD PHOENIX, AZ 85016
10603	ROCKHILL INSURANCE COMPANY	8601 N. SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
122122	ROCKINGHAM INSURANCE COMPANY	633 EAST MARKET STREET HARRISONBURG, VA 22801
131927	ROCKINGHAM SPECIALTY, INC.	633 EAST MARKET STREET HARRISONBURG, VA 22801
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	62 MAPLE AVENUE KEENE, NH 03431
86970	SAFETY SPECIALTY INSURANCE COMPANY	1832 SCHUETZ ROAD ST. LOUIS, MO 63146
94496	SCOR UK COMPANY LIMITED	10 LIME STREET LONDON, United Kingdom EC3M 7AA
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
107528	SCOTTSDALE SURPLUS LINES INSURANCE COMPANY	8877 N GAINNEY CENTER DRIVE SCOTTSDALE, AZ 85258-2108
44276	SENECA SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, Sweden SE 113 96
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
79898	STARR SURPLUS LINES INSURANCE COMPANY	8401 NORTH CENTRAL EXPRESSWAYS, # 890 DALLAS, TX 75225
98475	STARSTONE INSURANCE SE	ZOLLSTRASSE 82 9494 SCHAAN LIECHTENSTEIN, Lichtenstein
40659	STARSTONE SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
10594	STEADFAST INSURANCE COMPANY	1299 ZURICH WAY SCHAUMBURG, IL 60196
131957	STONEGATE INSURANCE COMPANY	7400 N. CALDWELL AVENUE NILES, IL 60714
10590	SUPERIOR SPECIALTY INSURANCE COMPANY	160 GREEN TREE DRIVE SUITE 101 DOVER, DE 19904
133848	SUTTON SPECIALTY INSURANCE COMPANY	201 ROBERT S. KERR AVE. SUITE 600 OKLAHOMA CITY, OK 73102
22453	SWISS RE INTERNATIONAL SE	2A, RUE ALBERT BORSCHETTE KIRCHBERG, Luxembourg L1246
10583	TDC SPECIALTY INSURANCE COMPANY	1050 K STREET SUITE 400 WASHINGTON, DC 20001
123370	THIRD COAST INSURANCE COMPANY	15200 WEST SMALL ROAD NEW BERLIN, WI 53151
22456	THROUGH TRANSPORT MUTUAL INSURANCE ASSOCIATION LIMITED	FIRST FLOOR CHEVRON HOUSE 11 CHURCH STREET HAMILTON, Bermuda HM11
66133	TOKIO MARINE GRV RE, INC.	201 ROBERT S. KERR AVENUE OKLAHOMA, OK 73102-4267
73071	TOKIO MARINE KILN INSURANCE LIMITED	20 FENCHURCH STREET LONDON, United Kingdom EC3M 3BY
8705	TOKIO MARINE SPECIALTY INSURANCE COMPANY	1807 NORTH MARKET STREET WILMINGTON, DE 19802
10588	TRANSVERSE SPECIALTY INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
126596	TRISURA SPECIALTY INSURANCE COMPANY	210 PARK AVENUE SUITE 1400 OKLAHOMA CITY, OK 73102
54486	TT CLUB MUTUAL INSURANCE LIMITED	90 FENCHURCH STREET LONDON, United Kingdom ECM 4ST
10598	TUDOR INSURANCE COMPANY	300 KIMBALL DRIVE SUITE 500 PARSIPPANY, NJ 07054
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
64798	UNITED SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
82097	UTICA SPECIALTY RISK INSURANCE COMPANY	2435 N CENTRAL EXPRESSWAY SUITE 400 RICHARDSON, TX 75080
125260	VAULT E&S INSURANCE COMPANY	C/O MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD 425 WEST CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201-3525
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE SE ATLANTA, GA 30339
117811	WATFORD SPECIALTY INSURANCE COMPANY	445 SOUTH STREET SUITE 15824 P.O. BOX 1988 MORRISTOWN, NJ 07962-1988
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	11575 GREAT OAKS WAY SUITE 200 ALPHARETTA, GA 30022
10610	WESTERN WORLD INSURANCE COMPANY	300 KIMBALL DRIVE SUITE 500 PARSIPPANY, NJ 07054
49219	WILSHIRE INSURANCE COMPANY	702 OBERLIN ROAD RALEIGH, NC 27605-0800
64641	XL CATLIN INSURANCE COMPANY UK LIMITED	20 GRACECHURCH STREET LONDON, United Kingdom 3C3V OBG
10604	XL SELECT INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
132647	ZURICH INSURANCE PLC	ZURICH HOUSE BALLBRIDGE PARK DUBLIN, Ireland D04 E5N4

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-98. Filed for public inspection January 15, 2021, 9:00 a.m.]

## INTERGOVERNMENTAL COOPERATION AUTHORITY FOR THE CITY OF HARRISBURG

### Financial Statement

Under section 207 of the Intergovernmental Cooperation Authority Act for Cities of the Third Class (53 P.S. § 42207) the Intergovernmental Cooperation Authority for the City of Harrisburg (Authority) is required to publish a "concise

financial statement” annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2020, which includes an audit for this period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority’s web site at [www.hbgica.org](http://www.hbgica.org) or from the Authority Manager at (717) 645-5431.

JEFFREY M. STONEHILL,  
*Authority Manager*

**INTERGOVERNMENTAL COOPERATION AUTHORITY FOR  
HARRISBURG CONCISE STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS AND  
CASH BALANCES AS OF AND FOR THE YEAR ENDED JUNE 30, 2020**

Total Cash Receipts	\$ 100,018
Total Cash Disbursements	(98,625)
Excess of Cash Receipts over Cash Disbursements	1,393
Cash—Beginning of Year	81,462
Cash—End of Year	<u>\$ 82,855</u>

[Pa.B. Doc. No. 21-99. Filed for public inspection January 15, 2021, 9:00 a.m.]

**LEGISLATIVE  
REFERENCE BUREAU**

**Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Executive Board*

Resolution No. CB-20-025, Dated December 2, 2020. Authorizing the Memorandum of Understanding between the Commonwealth and the K2 bargaining unit.

Resolution No. CB-20-026, Dated December 18, 2020. Collective Bargaining—International Union, United Gov-

ernment Security Officers of America, Local 304 meet-and-discuss unit (R2) Memorandum of Understanding (9/1/20-8/31/21).

Resolution No. CB-20-027, Dated December 18, 2020. Collective Bargaining—International Union, United Government Security Officers of America, Local 304 bargaining unit (R1) Collective Bargaining Agreement (9/1/20-8/31/21).

*Governor’s Office*

Management Directive No. 215.09—Contractor Responsibility Program, Amended December 1, 2020.

Administrative Circular No. 20-12—Availability—Commonwealth Telephone Directory, Dated December 2, 2020.

DUANE M. SEARLE,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 21-100. Filed for public inspection January 15, 2021, 9:00 a.m.]

**MILK MARKETING BOARD**

**Sunshine Meetings; Time and Venue Change**

<i>Date</i>	<i>Time</i>	<i>Room</i>
Wednesday, February 3, 2021	9 a.m.	By means of SKYPE: Call-in: +1 (267) 332-8737 ID: 495 621 868
Wednesday, March 3, 2021	9 a.m.	By means of SKYPE: Call-in: +1 (267) 332-8737 ID: 143 213 350

Time change for both dates from originally scheduled for 1 p.m. at Agriculture Building, Harrisburg, PA 17110.

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 21-101. Filed for public inspection January 15, 2021, 9:00 a.m.]



## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Motion of the Office of Consumer Advocate for an Extension of Time for Comments Policy Proceeding— Utilization of Storage Resources as Electric Distribution Assets; Doc. No. M-2020-3022877

December 30, 2020

Phillip D. Demanchick  
Assistant Consumer Advocate  
Office Of Consumer Advocate  
555 Walnut Street, Fifth Floor  
Forum Place  
Harrisburg, PA 17101-1923

RE: Motion of the Office of Consumer Advocate for an  
Extension of Time for Comments Policy Proceeding—  
Utilization of Storage Resources as Electric Distribution Assets  
Docket No. M-2020-3022877

Dear Mr. Demanchick:

Pursuant to your Motion for a thirty (30)-day extension of time period to file comments in the above-referenced proceeding and upon review of the grounds listed therein, your request is hereby granted. The new comment period for all parties in this proceeding is extended until February 18, 2021.

Interested parties are invited to submit written comments for inclusion in the record with the Secretary of the Commission consistent with the Commission's July 27, 2020 Secretarial Letter. Modification to Filing and Service Requirements Emergency Order, Docket No. M-2020-3019262 (Secretarial Letter issued July 27, 2020). Pursuant to this Secretarial Letter, all filings are to be made by e-filing or by electronic mail. This information can be found on the Commission's website at [www.puc.state.pa.us/efiling/default.aspx](http://www.puc.state.pa.us/efiling/default.aspx).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-102. Filed for public inspection January 15, 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. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by February 1, 2021. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Application of the following for approval to *begin operating as common carriers for transportation of persons* as described under the application.**

**A-2020-3023505. Showtime One, LLC** (100 Old York Road, Apartment 1007, Jenkintown, Montgomery County, PA 19046) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit

service, between points in the Counties of Berks, Chester, Delaware, Lehigh and Montgomery, and the City and County of Philadelphia to points in Pennsylvania.

#### **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-2020-3023248. Forward Moving, LLC** (245 Welsh Pool Road, Exton, Chester County, PA 19341) household goods in use, between points in Pennsylvania.

#### **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 by transfer of rights* as described under the application.**

**A-2020-3023456. TPD Transportation, LLC, d/b/a Bruce Schmidt Moving** (406 Geisler Drive, Pittsburgh, Allegheny County, PA 15221) to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania, which is to be a transfer of all rights authorized under the certificate issued at A-00106991, F.2, to Bruce Schmidt Moving Company, subject to the same limitations and conditions. *Attorney:* William H. Stewart III, Esquire, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

#### **Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.***

**A-2020-3023512. Duncannon Emergency Medical Services, Inc.** (16 Sherman Drive, Duncannon, Perry County, PA 17020) for the discontinuance and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Perry County, to points in Pennsylvania, and return, as described in the original ordering paragraph at Docket A-2010-2162998.

**A-2020-3023588. IOI Transportation, LLC** (2755 Germantown Avenue, Philadelphia, PA 19133) for the discontinuance and cancellation of its authority, to transport persons in paratransit service, between points in the City and County of Philadelphia, limited to service to or from medical offices. *Attorney:* Mark Feinman, 8171 Castor Avenue, Philadelphia, PA 19152.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-103. Filed for public inspection January 15, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due February 1, 2021, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. M & A Freight, LLC; Docket No. C-2020-3019921

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to M & A Freight, LLC, (respondent) is under suspension effective March 16, 2020 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 415 Marion St., Scranton, PA 18509.
3. That respondent was issued a Certificate of Public Convenience by this Commission on July 23, 2018, at A-8921118.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's

proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8921118 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 07/08/2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-104. Filed for public inspection January 15, 2021, 9:00 a.m.]

