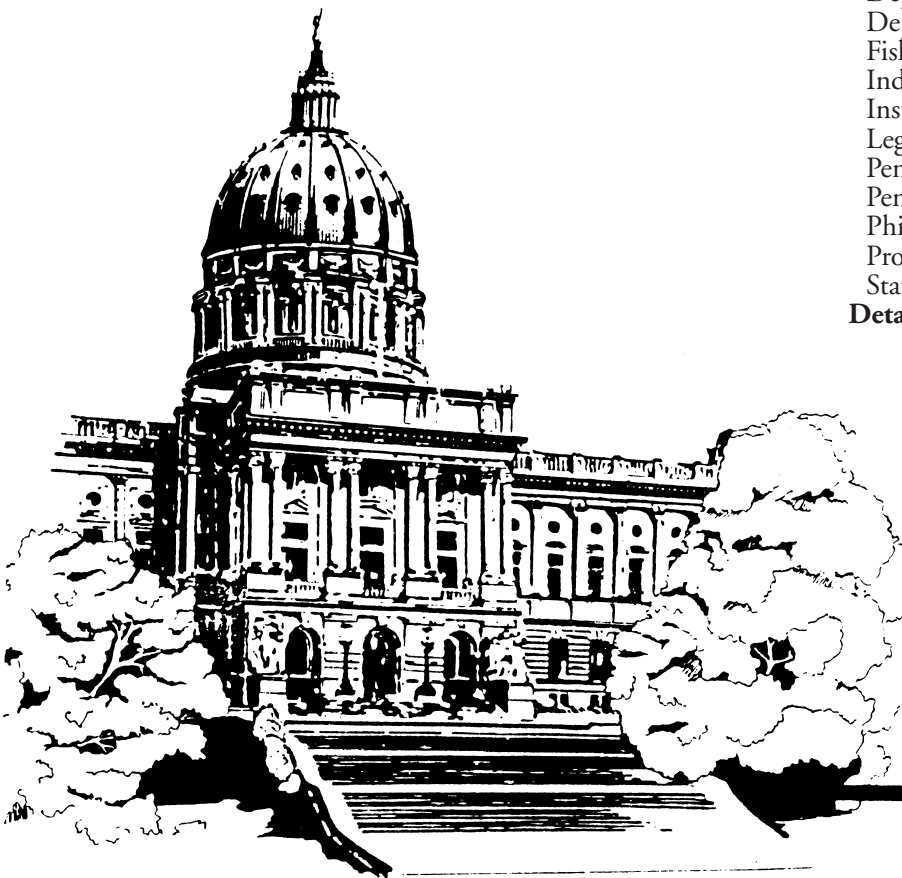


# PENNSYLVANIA BULLETIN

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**Agencies in this issue**

The Courts  
Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Human Services  
Department of State  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
Professional Standards and Practices Commission  
State Conservation Commission  
**Detailed list of contents appears inside.**



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

**No. 561, August 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.

The *Pennsylvania Bulletin* is available at [www.pacodeandbulletin.gov](http://www.pacodeandbulletin.gov).

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### Printing Format

*Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code*

Text proposed to be added is printed in **underscored bold face**. Text proposed to be deleted is enclosed in brackets [ ] and printed in **bold face**.

Proposed new chapters and sections are printed in regular type to enhance readability. Final rulemakings and statements of policy are printed in regular type.

Ellipses, a series of five asterisks, indicate text that is not amended.

In Proposed Rulemakings and proposed Statements of Policy, existing text corresponds to the official codified text in the *Pennsylvania Code*.

*Court Rules in Titles 201—246 of the Pennsylvania Code*

Added text in proposed and adopted court rules is printed in **underscored bold face**. Deleted text in proposed and adopted court rules is enclosed in brackets [ ] and printed in **bold face**.

Proposed new chapters and rules are printed in regular type to enhance readability.

Ellipses, a series of five asterisks, indicate text that is not amended.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires the Governor's Budget Office to prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions and authorities receiving money from the State Treasury. The fiscal note states whether the action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions. The fiscal note is required to be published in the *Pennsylvania Bulletin* at the same time as the change is advertised.

A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years. In item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2021.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT

[ 204 PA. CODE CH. 81 ]

#### Amendment of Rule 8.4 of the Pennsylvania Rules of Professional Conduct; No. 213 Disciplinary Rules Doc.

##### Amended Order

*Per Curiam*

And Now, this 26th day of July, 2021, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania, the proposal having been submitted without publication in the interests of justice and efficient administration pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 8.4 of the Rules of Professional Conduct is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(a), and shall be effective in 30 days.

Justice Mundy files a dissenting statement.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### § 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

\* \* \* \* \*

#### MAINTAINING THE INTEGRITY OF THE PROFESSION

##### Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

\* \* \* \* \*

(g) in the practice of law, [ **by words or conduct, knowingly manifest bias or prejudice, or engage in knowingly engage in conduct constituting harassment or discrimination** ], as those terms are defined in applicable federal, state or local statutes or ordinances, including but not limited to bias, prejudice, harassment or discrimination ] based upon race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or socioeconomic status. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude advice or advocacy consistent with these Rules.

##### Comment:

\* \* \* \* \*

(3) For the purposes of paragraph (g), conduct in the practice of law includes [ **participation in activities that are required for a lawyer to practice law, including but not limited to continuing legal education seminars, bench bar conferences and bar association activities where legal education credits are offered.** ]; (i) **interacting with witnesses, coworkers, court personnel, lawyers, or others, while appearing in proceedings before a tribunal or in connection with the representation of a client;** (ii) **operating or managing a law firm or law practice; or (iii) participation in judicial boards, conferences, or committees; continuing legal education seminars; bench bar conferences; and bar association activities where legal education credits are offered. The term “the practice of law” does not include speeches, communications, debates, presentations, or publications given or published outside the contexts described in (i)—(iii).**

(4) [ **The substantive law of antidiscrimination and anti-harassment statutes and case law guide application of paragraph (g) and clarify the scope of the prohibited conduct.** ] **“Harassment” means conduct that is intended to intimidate, denigrate or show hostility or aversion toward a person on any of the bases listed in paragraph (g). “Harassment” includes sexual harassment, which includes but is not limited to sexual advances, requests for sexual favors, and other conduct of a sexual nature that is unwelcome.**

(5) **“Discrimination” means conduct that a lawyer knows manifests an intention: to treat a person as inferior based on one or more of the characteristics listed in paragraph (g); to disregard relevant considerations of individual characteristics or merit because of one or more of the listed characteristics; or to cause or attempt to cause interference with the fair administration of justice based on one or more of the listed characteristics.**

[ (5) ] (6) A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[ (6) ] (7) Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer’s abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

#### Dissenting Statement

##### Justice Mundy

I dissent from the adoption of Rule of Professional Conduct 8.4(g) in its current form and scope. In my view, the proposed amendments fail to cure the Rule’s unconstitutional nature as articulated by Judge Kenney in *Greenberg v. Haggerty*, 491 F.Supp.3d 12 (E.D. Pa. 2020).

[Pa.B. Doc. No. 21-1306. Filed for public inspection August 20, 2021, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM
GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[ 204 PA. CODE CH. 83 ]

Amendment of Rules 208, 218 and 532 of the
Pennsylvania Rules of Disciplinary Enforcement;
No. 215 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 10th day of August, 2021, upon the
recommendation of the Disciplinary Board of the Supreme
Court of Pennsylvania; which followed the proposal to
amend Pa.R.D.E. 208, 218, and 532 having been pub-
lished for comment in the Pennsylvania Bulletin, 50 Pa.B.
5975 (October 31, 2020):

It Is Ordered pursuant to Article V, Section 10 of the
Constitution of Pennsylvania that Rules 208, 218, and
532 of the Rules of Disciplinary Enforcement are
amended in the following form.

This Order shall be processed in accordance with
Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL
PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF
DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 208. Procedure.

\* \* \* \* \*

(g) Costs.—

\* \* \* \* \*

(5) Assessed Penalties on Unpaid Taxed Expenses and
Administrative Fees.

(i) Failure to pay taxed expenses within thirty days of
the assessment becoming final in accordance with subdivi-
sions (g)(1) and (g)(2) and/or failure to pay administra-
tive fees assessed in accordance with subdivision (g)(4)
within thirty days of notice transmitted to the
respondent-attorney shall result in the assessment of a
penalty, levied monthly at the rate of 0.8% of the unpaid
principal balance, or such other rate as established by the
Supreme Court of Pennsylvania, from time to time.

(ii) Monthly penalties shall not be retroactively as-
sessed against unpaid balances existing prior to the
enactment of the rule; monthly penalties shall be as-
sessed against these unpaid balances prospectively, start-
ing 30 days after the effective date of the rule.

(iii) The Disciplinary Board for good cause shown, may
reduce the penalty or waive it in its entirety.

(6) An attorney who becomes a debtor in bank-
ruptcy when the administrative fee, expenses or
penalties taxed under this subdivision (g) or any
other provision of these Rules have not been paid
in full, shall notify the Executive Director of the

Board in writing of the case caption and docket
number within 20 days after the attorney files for
bankruptcy protection.

(h) Violation of probation. Where it appears that a
respondent-attorney who has been placed on probation
has violated the terms of the probation, Disciplinary
Counsel may file a petition with the Board detailing the
violation and suggesting appropriate modification of the
order imposing the probation, including without limita-
tion immediate suspension of the respondent-attorney. A
hearing on the petition shall be held within ten business
days before a member of the Board designated by the
Board Chair. If the designated Board member finds that
the order imposing probation should be modified, the
following procedures shall apply:

\* \* \* \* \*

Rule 218. Reinstatement.

\* \* \* \* \*

(f)(1) At the time of the filing of a petition for reinstatement
with the Board, a non-refundable reinstatement
filing fee shall be assessed against a petitioner-attorney.
The filing fee schedule is as follows:

Table with 2 columns: Reinstatement type and fee amount. Includes rows for disbarment/suspension (>1 year: \$1,000), administrative suspension (>3 years: \$500), inactive/retired status (>3 years: \$250), and inactive status pursuant to Enforcement Rule 301 (\$250).

(2) The Supreme Court in its discretion may direct that
the necessary expenses incurred in the investigation and
processing of the petition for reinstatement be paid by the
petitioner-attorney. After the Supreme Court Order is
entered, the annual fee required by Rule 219(a) for the
current year shall be paid to the Attorney Registration
Office.

(3) Failure to pay expenses taxed under Enforcement
Rule 218(f)(2) within thirty days of the entry of the
Supreme Court Order shall result in the assessment of a
penalty, levied monthly at the rate of 0.8% of the unpaid
principal balance, or such other rate as established by the
Supreme Court from time to time. The Board, for good
cause shown, may reduce the penalty or waive it in its
entirety.

(4) An attorney who becomes a debtor in bank-
ruptcy when the expenses or penalties taxed in
connection with a reinstatement proceeding have
not been paid in full, shall notify the Executive
Director of the Board in writing of the case caption
and docket number within 20 days after the attor-
ney files for bankruptcy protection.

(g)(1) Upon the expiration of any term of suspension
not exceeding one year and upon the filing thereafter by
the formerly admitted attorney with the Board of a
verified statement showing compliance with all the terms
and conditions of the order of suspension and of Enforce-
ment Rule 217 (relating to formerly admitted attorneys),
along with the payment of a non-refundable filing fee of
\$250, the Board shall certify such fact to the Supreme
Court, which shall immediately enter an order reinstating
the formerly admitted attorney to active status, unless
such person is subject to another outstanding order of
suspension or disbarment.

\* \* \* \* \*

**Subchapter E. PENNSYLVANIA LAWYERS FUND  
FOR CLIENT SECURITY**

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

**BANKRUPTCY FILING**

**Rule 532. Duty to Report Bankruptcy Filing.**

If a Covered Attorney becomes a debtor in bankruptcy after having received notice either of a claim pending with the Fund against the Covered Attorney or of any disbursement by the Fund with respect to a claim against the Covered Attorney and the Covered Attorney has not repaid the Fund in full plus interest in accordance with Enforcement Rule 531, the Covered Attorney shall notify the Executive Director of the Fund in writing of the case caption and docket number within 20 days after the Covered Attorney files for bankruptcy protection. If the Covered Attorney receives notice of a pending claim or disbursement after the filing of the bankruptcy petition and before the conclusion of the bankruptcy case, the Covered Attorney shall give the written notice required by this rule within ten days after receipt of the notice of the pending claim or disbursement.

[Pa.B. Doc. No. 21-1307. Filed for public inspection August 20, 2021, 9:00 a.m.]

**Title 231—RULES OF CIVIL  
PROCEDURE**

**PART I. GENERAL**

**[ 231 PA. CODE CH. 400 ]**

**Order Approving the Adoption of Pennsylvania  
Rule of Evidence 413; No. 878 Supreme Court  
Rules Doc.**

**Order**

*Per Curiam*

And Now, this 11th day of August, 2021, upon the recommendation of the Committee on Rules of Evidence; the proposal having been published for public comment at 49 Pa.B. 2218 (May 4, 2019) and 50 Pa.B. 5222 (September 26, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Evidence 413 is adopted in the following form.

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

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 400. SERVICE OF ORIGINAL PROCESS**

**SERVICE IN PARTICULAR ACTIONS**

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

**Rule 413. Evidence of Immigration Status.**

(a) *Criminal or Delinquency Matters; Evidence Generally Inadmissible.* In any criminal or delinquency matter, evidence of a party's or a witness's immigration status

shall not be admissible unless immigration status is an essential fact to prove an element of, or a defense to, the offense, to show motive, or to show bias or prejudice of a witness pursuant to Rule 607. This paragraph shall not be construed to exclude evidence that would result in the violation of a defendant's or a juvenile's constitutional rights.

(b) *Civil Matters; Evidence Generally Inadmissible.* In any civil matter, evidence of a party's or a witness's immigration status shall not be admissible unless immigration status is an essential fact to prove an element of, or a defense to, the action, or to show bias or prejudice of a witness pursuant to Rule 607.

(c) *Procedure.* Unless a party did not know, and with due diligence could not have known, that evidence of immigration status would be necessary, the following procedure shall apply prior to any such proposed use of immigration status evidence:

(1) The proponent shall file under seal and serve a written pretrial motion containing an offer of proof of the relevancy of the proposed evidence supported by an affidavit.

(2) If the court finds that the offer of proof is sufficient, the court shall order an *in camera* hearing.

(3) The court may admit evidence of immigration status pursuant to paragraph (a) or paragraph (b) if it finds the evidence is reliable and relevant, and that its probative value outweighs the prejudicial nature of evidence of immigration status.

(d) *Voluntary Revelation.* This rule shall not prohibit a person, or the person's attorney, from voluntarily revealing his or her immigration status to the court.

**Comment**

Pa.R.E. 413 has no counterpart in the Federal Rules. This rule is modeled, in part, after Washington Rule of Evidence 413.

In practice, the introduction of immigration status has received heightened consideration in terms of relevancy and prejudice. *See, e.g., Commonwealth v. Sanchez*, 595 A.2d 617 (Pa. Super. 1991) (reference to defendant as an "illegal alien" was irrelevant and prejudicial). This consideration is warranted to avoid potential intimidation of witnesses for fear of deportation. *See, e.g., 8 U.S.C. § 1227 (Deportable Aliens)*. This rule is intended to limit the admissibility of evidence of immigration status for purposes other than those stated in the rule. *See, e.g., Commonwealth v. Philistin*, 53 A.3d 1 (Pa. 2012) (discussing admissibility of immigration status for purpose of proving motive). Paragraphs (a) and (b) may serve as a basis for limiting discovery about immigration status.

This rule requires the proponent to seek pretrial approval prior to the introduction of evidence of immigration status. If evidence is admissible, the trial court may consider a cautionary jury instruction to ameliorate its prejudicial effect. *See, e.g., Commonwealth v. Hairston*, 84 A.3d 657 (Pa. 2014).

Nothing in this rule prohibits a court from unsealing a motion.

The procedure set forth in paragraph (c) is unnecessary for immigration status voluntarily revealed pursuant to paragraph (d). However, all other Rules of Evidence remain applicable. *See, e.g., Pa.R.E. 402, 403.*

**Official Note:** Adopted August 11, 2021, effective October 1, 2021.



*Committee Explanatory Report:*

Final Report explaining the August 11, 2021 adoption of Rule 413 published with the Court's Order at 51 Pa.B. 5193 (August 21, 2021).

**FINAL REPORT<sup>1</sup>****Adoption of Pa.R.E. 413**

On August 11, 2021, upon recommendation of the Committee on Rules of Evidence, the Court ordered the adoption of Pennsylvania Rule of Evidence 413 governing the admissibility of evidence of immigration status.

The Committee previously received a recommendation from the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness for changes to the Pennsylvania Rules of Evidence to limit the admissibility of a party's or witness's immigration status. In response, the Committee proposed amendment of the Comment to Pa.R.E. 401, see 49 Pa.B. 2218 (May 4, 2019), which received several comments concerning the need for a rule addressing specifically immigration status given that evidence of immigration status may be used for the purpose of intimidation.

Thereafter, the Committee proposed a standalone rule in the form of Pa.R.E. 413 to address the admissibility of evidence of immigration status. Similar to Washington Rule of Evidence 413, the standalone rule would have limited the admission of such evidence to prove an essential fact of, an element of, or a defense to, an action, or a party's or witness's motive. See 50 Pa.B. 5222 (September 26, 2020). Another function of the proposed rule would put the opponent on notice that a proponent intends to introduce evidence of immigration status. The opponent can then seek a pretrial ruling as to the admissibility of the evidence. This process would be similar to that employed by Pa.R.E. 404(b)(3) for notice in criminal cases for prior bad acts, but the notice would require the specific, rather than general, nature of any evidence of immigration status. Thereafter, the opponent could weigh whether to challenge the relevancy and potential prejudice of the evidence.

The Committee again received several responses to the proposal. A majority of respondents suggested a bifurcated rule similar to Washington Rule of Evidence 413, with differing provisions applicable to criminal proceedings and civil proceedings to permit admission only when immigration status is an essential fact of a party's cause of action. Further, the waiver of advance notice should be restricted to when the moving party did not know or, with due diligence, could not have known that immigration status would be an essential fact. Finally, the court should be required to conduct an *in camera* review, similar to Washington Rule of Evidence 413, and the review, together with the evidence or motion, should be sealed.

Based on these responses, the Committee revised proposed Pa.R.E. 413 to bifurcate the general exclusion of such evidence, together with exceptions, into paragraph (a) for criminal and juvenile matters and paragraph (b) for civil matters. Both paragraphs were revised to include exceptions "to show bias or prejudice of a witness pursuant to Rule 607." Further, paragraph (a) included an additional exception so application of the rule in criminal or juvenile proceedings would not result in the violation of a defendant's or a juvenile's constitutional rights.

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

The Committee agreed with the respondents' suggestion for a specific procedure for determining the admissibility of evidence of immigration status. Under Pa.R.E. 103, admissibility may be determined either by a pretrial motion *in limine* or contemporaneous objection in open court. However, experience informs that relying upon contemporaneous objections often cannot "unring the bell" of the issue being raised through the question posed. Moreover, offers of proof in open court, notwithstanding being outside the hearing of the jury, remain on the record and do little to assuage witness intimidation.

Therefore, largely structured after Washington Rule of Evidence 413(a)(1)–(4), paragraph (c) was added as a means for determining the admissibility of immigration status. The process would require a pretrial motion *in limine* filed under seal. Thereafter, the trial court could allow the evidence to be admitted if it was relevant and its probative value outweighed its prejudicial nature. The paragraph also contains an exception for when a party does not know, and with due diligence could not have known, that evidence of immigration status would be necessary at trial.

The Committee observed that two other jurisdictions, in their analogous evidentiary provisions, have included a provision allowing a party to waive the rule's protection and reveal evidence of immigration status. See 735 I.L.C.S. 5/8-2901(b)(3) (pertinently stating that evidence is admissible if "a person or his or her attorney voluntarily reveals his or her immigration status to the court"); Cal. Evid. Code § 351.3(b)(3), § 351.4(b)(3) (providing that, in civil actions other than for personal injury or wrongful death and in criminal actions, the statute does not "[p]rohibit a person or his or her attorney from voluntarily revealing his or her immigration status to the court").

Although evidence of immigration status has the potential for intimidation and prejudice, if such evidence is probative and the person whose immigration status is revealed does so voluntarily, then the proposed evidentiary and procedural safeguards appear unnecessary. Further, an exception for voluntary disclosure may lessen the procedural burden on parties when immigration status is admissible pursuant to paragraph (a) or (b).

Therefore, the Committee revised the rule to add paragraph (d), which is modeled after California Evidence Code § 351.3(b)(3). Paragraph (d) contains several noteworthy aspects. First, it pertains to a personal revelation of one's own immigration status, not another person's immigration status. Second, the status must be revealed in court, not to sources outside of court. Cf. Pa.R.E. 803(25) (An Opposing Party's Statement). Third, the procedure set forth in paragraph (c) is rendered unnecessary under the circumstances of paragraph (d), *i.e.*, "this rule shall not prohibit." A statement to that effect was added to the Comment with an observation that the other Rules of Evidence nonetheless remain applicable even if the procedure of paragraph (c) is not followed.

The Committee received a concern that a Rule of Evidence permitting the use of evidence of immigration status for impeachment purposes may open the door to additional discovery on that topic. Similarly, the respondent expressed concern that permitting evidence of immigration status to be admissible in court as an element of a defense in civil matters pursuant to paragraph (b) may have similar effect. The Committee is not insensitive to such concerns, but the Rules of Evidence are intended to regulate the admissibility of evidence in court proceedings, see Pa.R.E. 101, not the scope of discovery. Notwith-

standing, a sentence was added to the Comment indicating that paragraphs (a) and (b) may serve as a basis for limiting discovery about immigration status; however, the procedural mechanism for doing so, *i.e.*, a protective order, is not governed by the Rules of Evidence.

This rule becomes effective October 1, 2021.

[Pa.B. Doc. No. 21-1308. Filed for public inspection August 20, 2021, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

#### [ 231 PA. CODE PART II ]

#### Proposed Amendment of Rules 1.3, 2.11, 9.1, 9.2, 9.4, 9.5, 9.6, 9.7 and 9.8 of the Pennsylvania Orphans' Court Rules

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rules 1.3, 2.11, 9.1, 9.2, 9.4, 9.5, 9.6, 9.7, and 9.8 of the Pennsylvania Orphans' Court Rules, replacing the term "master" with "hearing officer," for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

All communications in reference to the proposal should be received by September 24, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Orphans' Court  
Procedural Rules Committee*

KENNETH G. POTTER,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART II. ORPHANS' COURT RULES

##### CHAPTER I. PRELIMINARY RULES

#### Rule 1.3. Definitions.

The following words and phrases when used in these Rules shall have the following meanings, respectively,

unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the Chapter in which the particular Rule is included:

\* \* \* \* \*

"Guardian"—a fiduciary who has the care and management of the estate, the person, or both, of a minor or an incapacitated person;

"Guardian *ad litem* or Trustee *ad litem*"—a fiduciary who is appointed by a court in a legal proceeding to represent an individual or class of individuals under a legal disability;

**"Hearing Officer"—a person who is appointed by the court to investigate any issue of fact and to report findings of fact, conclusions of law, and recommendations to the court.**

"Incapacitated Person"—a person determined to be incapacitated under the provisions of Chapter 55 of Title 20 (relating to incapacitated persons);

"Interested Party"—one or more individuals or entities having or claiming an interest in the estate, trust, person or other entity that is the subject of the legal proceeding;

\* \* \* \* \*

**Note:** This definitional section is new; but, some of the definitions are substantively identical to the definitions in former Rule 2.3 and other definitions are taken from and are similar to Pa.R.C.P. No. 76. **The term "hearing officer" is used in these Rules in the same manner as "master" in the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. §§ 101 et seq. See, e.g., 20 Pa.C.S. § 751(1).**

#### CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

##### Rule 2.11. Appointment of Official Examiners.

The court, by local rule or order in a particular matter, may appoint an official examiner who shall examine the assets held by or the transactions of any fiduciary.

**Note:** Rule 2.11 is substantively identical to former Rule 9.1. The appointment and conduct of Auditors and [ **Masters** ] **Hearing Officers** is provided for in Chapter IX.

#### CHAPTER IX. AUDITORS AND [ **MASTERS** ] HEARING OFFICERS

##### Rule 9.1. Notice of Hearings.

An auditor or [ **master** ] **hearing officer** appointed pursuant to 20 Pa.C.S. § 751 shall give notice of scheduled hearings in such manner and to such parties as local rules shall prescribe.

**Note:** Rule 9.1 is substantively identical to former Rule 8.1.

##### Rule 9.2. Filing of Report.

An auditor or [ **master** ] **hearing officer** shall file his or her report within 90 days after his or her appointment, unless the court extends the time upon request.

**Note:** Rule 9.2 is based upon former Rule 8.2.

Rule 9.4. Form of [ **Master's** ] **Hearing Officer's** Report.

A [ **master's** ] **hearing officer's** report shall state the number, times, dates, and duration of the hearings held, the number, extent, and causes of any delays or continuances, and the basis of the court's jurisdiction, and shall



include a statement and discussion of the questions involved, findings of fact and conclusions of law, and specific recommendations.

**Note:** Rule 9.4 is **substantively** identical to former Rule 8.4.

**Rule 9.5. Transcript of Testimony.**

The transcript of testimony taken before an auditor or [ **master** ] **hearing officer** shall be filed with the report.

**Note:** Rule 9.5 is **substantively** identical to former Rule 8.5.

**Rule 9.6. Notice of Filing Report.**

An auditor or [ **master** ] **hearing officer** shall give notice of the filing of the report or of the intention to file the report in such manner and to such parties as local rules shall prescribe.

**Note:** Rule 9.6 is **substantively** identical to former Rule 8.6.

**Rule 9.7. Confirmation of Report.**

(a) The report of an auditor shall be confirmed in such manner as local rules shall prescribe.

(b) The report of a [ **master** ] **hearing officer** shall not be approved until a decree is entered adopting its recommendations.

**Note:** Rule 9.7 is **substantively** identical to former Rule 8.7.

**Rule 9.8. Security for Expenses and Fees.**

An auditor or [ **master** ] **hearing officer**, the accountant, or any interested party may apply to the court at any time for leave to require security for the payment of the auditor's or [ **master's** ] **hearing officer's** expenses and fees, and, when such leave is granted, the auditor or [ **master** ] **hearing officer** may decline to proceed until security is entered.

**Note:** Rule 9.8 is substantively identical to former Rule 8.8.

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Amendment of Rules 1.3, 2.11, 9.1, 9.2, 9.4, 9.5, 9.6, 9.7, and 9.8 of the Pennsylvania Orphans' Court Rules**

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rules 1.3, 2.11, 9.1, 9.2, 9.4, 9.5, 9.6, 9.7, and 9.8 of the Pennsylvania Orphans' Court Rules, replacing the term "master" with "hearing officer."

The purpose of the proposed amendments is two-fold. First, while the term "master" has traditionally identified a quasi-judicial officer and is considered neutral in legal proceedings, a pejorative connotation has been ascribed to the term in modern parlance outside of court. Second, the term has been either already replaced or proposed to be replaced in other bodies of rules. *See* 47 Pa.B. 2313 (April, 22, 2017) (amendments to the Rules of Juvenile Court Procedure), 51 Pa.B. 1006 (February 27, 2021) (proposed amendments to the Rules of Civil Procedure Governing Domestic Relations proceedings), and 51 Pa.B. 4262 (August 7, 2021) (proposed amendments to the Rules of Civil Procedure). In addition, the Committee observes that a number of judicial districts have also changed this terminology in their local rules.

The Committee acknowledges the term "master" continues to be used in relevant statutes. *See, e.g.,* 20 Pa.C.S.

§ 751(1) ("a master to investigate any issue of fact and to report his findings of fact, conclusions of law and recommendations to the court"). The Committee proposes adding a new definition of "hearing officer" and amending the Note to Rule 1.3 to clarify that the new term, "hearing officer," is used in the Rules in the same manner as "master" in the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. §§ 101 *et seq.*

The Committee invites all comments, objections, concerns, and suggestions regarding this proposed rule-making.

[Pa.B. Doc. No. 21-1309. Filed for public inspection August 20, 2021, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**WESTMORELAND COUNTY**

**Rule of Criminal Procedure 576.1, Electronic Filing and Service of Legal Papers; No. 3 of 2021**

**Order of Court**

*And Now*, this 4th day of August, 2021, *It Is Hereby Ordered* that Westmoreland County Rule of Criminal Procedure WC576.1 is hereby adopted and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

RITA DONOVAN HATHAWAY,  
*President Judge*

**Rule WC576.1. Electronic Filing and Service of Legal Papers.**

(A) Pursuant to Pennsylvania Rule of Criminal Procedure 576.1, Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system is permissive in Westmoreland County, the Tenth Judicial District. The Administrative Office of Pennsylvania Courts has agreed upon an implementation plan for the use of PACFile in the Tenth Judicial District as of September 13, 2021.

(B) *Legal Papers Defined.* The legal papers which shall be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, exhibits and attachments, except for the following:

1. Applications for a search warrant;
2. Applications for an arrest warrant;
3. Any grand jury materials; except the indicting grand jury indictment or the investigating grand jury presentment;
4. Submissions filed ex parte as authorized by law;
5. Submissions filed or authorized to be filed under seal;
6. Exhibits offered into evidence, whether or not admitted, in a court proceeding; and
7. Wiretap Act, cell phone, tracker and Internet petitions.

General rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(C) Any party who declines to electronically file, or who is unable to electronically file or accept service of electronically filed legal papers, or who is otherwise unable to access the system, shall be entitled to file legal papers in a physical paper format and be served electronically filed legal papers in a physical format.

(D) *Filing fees.* Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount required by statute, court rule or order, or published fee schedule.

(E) *Confidential information.* Counsel and unrepresented parties shall adhere to the Public Access Policy of the Unified Judicial System and refrain from including confidential information in legal papers filed with the Clerk of Courts, whether filed electronically or as a paper document.

[Pa.B. Doc. No. 21-1310. Filed for public inspection August 20, 2021, 9:00 a.m.]

## SUPREME COURT

### Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 214 Disciplinary Rules Doc.

#### Order

*Per Curiam*

And Now, this 9th day of August, 2021, it is hereby Ordered that the financial institutions named on the following list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

#### FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

##### Bank Code A.

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

##### Bank Code B.

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

##### Bank Code C.

654 CACL Federal Credit Union  
618 Capital Bank, NA

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

##### Bank Code D.

339 Dime Bank (The)  
27 Dollar Bank, FSB

##### Bank Code E.

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

##### Bank Code F.

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

**Bank Code G.**

499 Gratz Bank (The)  
498 Greenville Savings Bank

**Bank Code H.**

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

**Bank Code I.**

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

**Bank Code J.**

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

**Bank Code K.**

651 KeyBank NA  
414 Kish Bank

**Bank Code L.**

554 Landmark Community Bank  
542 Linkbank  
78 Luzerne Bank

**Bank Code M.**

361 M & T Bank  
386 Malvern Bank, NA  
510 Marion Center Bank  
387 Marquette Savings Bank  
81 Mars Bank  
43 Marysville Branch, of Riverview Bank  
367 Mauch Chunk Trust Company  
511 MCS (Mifflin County Savings) Bank  
641 Members 1st Federal Credit Union  
555 Mercer County State Bank  
192 Merchants Bank of Bangor  
671 Merchants Bank of Indiana  
610 Meridian Bank  
420 Meyersdale Branch, of Riverview Bank  
294 Mid Penn Bank  
**276 MIFFLINBURG BANK & TRUST COMPANY**  
457 Milton Savings Bank  
**596 MOREBANK, A DIVISION OF BANK OF PRINCETON (THE)**  
484 **MUNCY BANK & TRUST COMPANY (THE)**

**Bank Code N.**

433 National Bank of Malvern  
168 NBT Bank, NA  
347 Neffs National Bank (The)  
**434 NEW TRIPOLI BANK**  
15 NextTier Bank, NA

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

**Bank Code O.**

653 OceanFirst Bank  
489 OMEGA Federal Credit Union  
94 Orrstown Bank

**Bank Code P.**

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

**Bank Code Q.**

107 QNB Bank  
560 Quaint Oak Bank

**Bank Code R.**

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

**Bank Code S.**

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

**Bank Code T.**

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

**Bank Code U.**

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

475 United Savings Bank  
 600 Unity Bank  
 232 Uninvest Bank & Trust Co.

**Bank Code V.**

611 Victory Bank (The)

**Bank Code W.**

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

**Bank Code X.****Bank Code Y.****Bank Code Z.****PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on

all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

**IOLTA EXEMPTION**

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

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

*New**Name Change*

577—York Traditions Bank—Change to 577 Traditions Bank

*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 21-1311. Filed for public inspection August 20, 2021, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 22—EDUCATION

### PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

[ 22 PA. CODE CH. 235 ]

#### Code of Professional Practice and Conduct for Educators

The Professional Standards and Practices Commission (Commission) amends Chapter 235 (relating to code of professional practice and conduct for educators) to read as set forth in Annex A.

##### *Effective Date*

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

##### *Statutory Authority*

This final-form rulemaking is authorized by section 5(a)(10) of the Educator Discipline Act (act) (24 P.S. § 2070.5(a)(10)).

##### *Background and Purpose*

The General Assembly has charged the Commission with adopting and maintaining a code for professional practice and conduct applicable to all educators under section 5(a)(10) of the act. The Commission adopted the Code of Professional Practice and Conduct for Educators (Code) in 1992 and it has not been updated since. These amendments are designed to update and revise the Code to make it relevant and applicable to current educators. The amendments present new or expanded guidelines addressing educators' responsibilities to students, colleagues and the profession.

##### *Summary of Amendments*

§ 235.2(b) (relating to introduction): The changes frame educators' responsibilities under the Code within the context of the educator's commitment to students, colleagues and the profession. This language appeared in § 235.5 (relating to conduct) of the proposed rulemaking and is moved here due to the deletion of § 235.5 in this final-form rulemaking.

§ 235.2(c): The changes clarify that the Department is not precluded from pursuing discipline, including suspension or revocation, on other available grounds for conduct that constitutes an independent basis for a public or private reprimand under the Code. This section is amended in this final-form rulemaking for additional clarity in response to public comments. It is revised to specify that all violations of the Code, not just violations of specified sections, may be an independent basis for a public or private reprimand. Throughout this final-form rulemaking, non-regulatory language is deleted to provide educators with clear and precise standards for compliance. Therefore, it is appropriate that a violation of any of these standards may serve as an independent basis for a public or private reprimand.

§ 235.2(d): The changes create a new subsection and clarify that nothing in the Code shall be interpreted to require educators to violate any of the doctrines, tenets, policies or practices of any religious or religiously-affiliated school in which the educator is employed. This subsection was not included in the proposed rulemaking. It is added to this final-form rulemaking in response to

comments received from the public and from the Independent Regulatory Review Commission (IRRC).

§ 235.3 (relating to purpose): The changes delete this section because the language is non-regulatory in nature and more appropriate for a statement of policy. The changes are made in response to comments received from IRRC following the public comment period.

§ 235.3a (relating to definitions): The definition for "unauthorized drugs" was not included in the proposed rulemaking and is added in response to comments received from IRRC. The changes delete definitions for the following terms that were included in the proposed rulemaking but are not included in this final-form rulemaking: "dual or multiple relationships;" "fiduciary relationship;" "safe environment;" "safety;" and "transparency." These terms appeared in sections that were deleted because they were determined to be non-regulatory.

§ 235.4 (relating to professional practices): The changes delete this section because most of the language is non-regulatory in nature or redundant of other sections. The changes are made in response to comments received from IRRC following the public comment period. Section 235.4(b)(1) of the proposed rulemaking is replaced by § 235.5c(1) (relating to commitment to the profession) without changes. Section 235.4(b)(11) of the proposed rulemaking is replaced by § 235.5a(b)(4) (relating to commitment to students) with minor changes for clarity and consistency. Section 235.4(b)(12) of the proposed rulemaking is replaced by § 235.5a(b)(1) with minor changes for clarity.

§ 235.5: This section is replaced by § 235.2(c) of this final-form rulemaking.

Section 235.5a sets forth standards for professional conduct in fulfillment of the educator's commitment to students. The changes add standards addressing appropriate boundaries; sexual misconduct; maintenance of confidentiality; an educator's use, possession, or distribution of alcoholic beverages or illegal or unauthorized drugs; and inappropriate communication, including inappropriate communication achieved through electronic means. Proposed § 235.5a was reordered in this final-form rulemaking and amended to add paragraphs (1), (4), (6) and (7) and delete proposed subsection (e). These changes were prompted by the deletion of § 235.4 in this final-form rulemaking, as well as comments received during and after the public comment period.

Section 235.5b (relating to commitment to colleagues) sets forth standards for professional conduct in fulfillment of the educator's commitment to colleagues. This section includes prohibitions against sexual harassment; intentional distortion of evaluations; threats, coercion or discrimination against colleagues who report violations; the use of improper means to influence professional decisions; and the unauthorized disclosure of confidential health or personnel information. Proposed § 235.5b was reordered and amended in this final-form rulemaking to add paragraphs (4) and (5). This change is prompted by the deletion of subsections (h) and (i) of § 235.5c in this final-form rulemaking.

Section 235.5c (relating to commitment to the profession) sets forth standards for professional conduct in

fulfillment of the educator's commitment to the profession. The amendments add or expand standards addressing misrepresentation and document fraud; reporting and cooperation during official investigations and proceedings; security of standardized testing; and improper personal or financial gain. Proposed § 235.5c is reordered in this final-form rulemaking and amended to add paragraph (1). Proposed subsections (h) and (i) are replaced by §§ 235.5a(b)(6) and (7) and 235.5b(4) and (5) in response to comments received from the public and from IRRC. Proposed subsections (a) (renamed paragraph (2) in this final-form rulemaking) and (g) (renamed paragraph (8) in this final-form rulemaking) are amended for clarity in response to public comments. Proposed subsection (l) was renamed paragraph (11) and amended for clarity.

*Comment and Response*

Notice of the proposed rulemaking was published at 49 Pa.B. 1905 (April 20, 2019), with a public comment period as required by law. The public comment period ended on May 20, 2019. The Commission received comments from the Independence Law Center, the Pennsylvania Catholic Conference (PCC) and the Pennsylvania School Boards Association (PSBA). The Commission received comments from IRRC following the close of the public comment period. On January 6, 2021, the Commission received comments from the Pennsylvania State Education Association (PSEA). Although PSEA's comments were received after the close of the public comment period, the Commission's responses are included as follows.

*Independence Law Center*

*Comment:*

The Independence Law Center commented that the enumeration in proposed §§ 235.4(b)(4) and 235.5c(h) of special categories, such as gender identity and expression, and the deletion of "sex" in proposed § 235.4(b)(4) creates harmful hierarchies of dignity and worth of students; removes "sex" as a basis for respecting the dignity, worth and uniqueness of each student; causes harassment and discrimination; harms a real culture of non-discrimination and civility; and is incompatible with prohibitions on sex stereotyping. The Independence Law Center commented that the Commission's reliance on Pennsylvania Human Relations Commission Guidance is flawed.

*Response:*

Proposed §§ 235.4(b)(4) and 235.5c(h) were deleted in the final-form rulemaking and replaced by §§ 235.5a(b)(6) and 235.5b(4). Section 235.5a(b)(6) provides that educators "[s]hall exhibit consistent and equitable treatment and shall not unlawfully discriminate against students." Section 235.5b(4) provides that educators "[s]hall not unlawfully discriminate against colleagues."

*PCC*

*Comment:*

PCC commented that the proposed amendments improperly expand the bases for claims of discrimination set forth in the Pennsylvania Human Relations Act (43 P.S. §§ 951—963) and that, if applied to Catholic educators, the proposed amendments would violate constitutionally-protected religious liberties and the Pennsylvania Religious Freedom Protection Act (PRFPA) (71 P.S. §§ 2401—2408). The PCC also commented that an express disclaimer that the offending provisions of the Code must not conflict with the lawful policies of religiously-affiliated schools should be incorporated in the final-form rulemaking.

*Response:*

The Commission worked with representatives of the PCC to develop the disclaimer language found in § 235.2(d), which reads: "Nothing in this chapter shall be construed or interpreted to require an educator to violate any of the doctrines, tenets, policies, or practices of any religious or religiously-affiliated school in which that educator is employed." Additionally, proposed §§ 235.4(b)(4) and 235.5c(h) are deleted in the final-form rulemaking and replaced by §§ 235.5a(b)(6) and 235.5b(4). Section 235.5a(b)(6) provides that educators "[s]hall exhibit consistent and equitable treatment and shall not unlawfully discriminate against students." Section 235.5b(4) provides that educators "[s]hall not unlawfully discriminate against colleagues." The revised language avoids conflict with existing anti-discrimination laws.

*PSBA*

PSBA expressed general support for the amendments. PSBA offered the following suggestions:

*Comment:*

PSBA suggested that the following clarifying language be added to proposed § 235.2(c): "Discipline for conduct that constitutes both an independent basis for suspension or revocation of an educator's certificate or employment eligibility and a violation of this chapter shall not be limited to public or private reprimand. Nothing in this chapter shall be construed to otherwise limit the Department of Education's authority to initiate an action under the act to discipline an educator's certificate or employment eligibility, or both."

*Response:*

Proposed § 235.2(c) was revised in this final-form rulemaking to read as follows: "Violations of any of the duties prescribed by this chapter may be used as supporting evidence in disciplinary proceedings conducted by or on behalf of the PSPC under the act. Violations of this chapter may also be an independent basis for a public or private reprimand. Discipline for conduct that constitutes both a basis for discipline under the Act and an independent basis for discipline under this chapter shall not be limited to a public or private reprimand. Nothing in this chapter shall be construed to otherwise limit the Department of Education's authority to initiate an action under the act to suspend, revoke or otherwise discipline an educator's certificate or employment eligibility, or both."

*Comment:*

PSBA suggested that proposed § 235.5a(d) be revised to read as follows: "Shall not sexually harass others or engage in sexual misconduct."

*Response:*

The Commission agrees with PSBA that the language "including sexual relationships" is not necessary since § 235.3a incorporates the act's definition of sexual misconduct, which includes sexual relationships with students. The Commission, however, declined to replace the word "students" with "others" because § 235.5a specifically articulates educators' responsibilities to students. Accordingly, in the final-form rulemaking § 235.5a(d) is renamed subsection (b)(3) and revised to read as follows: "Shall not sexually harass students or engage in sexual misconduct."

*Comment:*

PSBA commented that many of the "factors" included in proposed § 235.5a(j) for assessing whether a communication is inappropriate are patently inappropriate in and of



themselves, and suggested that the following language be added at the beginning of § 235.5a(j) (renamed subsection (b)(13) in the final-form rulemaking): “Inappropriate communication includes communications that are sexually explicit, that include images, depictions, jokes, stories or other remarks of a sexualized nature, that can be reasonably interpreted as flirting or soliciting sexual contact or a romantic relationship, or that comment on the physical or sexual attractiveness or the romantic or sexual history, activities, preferences, desires or fantasies of either the educator or the student. Factors that may be considered in assessing whether other communications are inappropriate include. . .” PSBA suggested the addition of the following language: “(4) whether the communication involved disclosure of personal or family problems, relationships, or secrets; and (5) whether the communication encouraged or condoned the student’s addressing the educator using terms of endearment, pet names or other overly familiar language.”

Response:

The Commission agreed with PSBA that some of the “factors” outlined in proposed § 235.5a(j) (renamed subsection (b)(13) in the final-form rulemaking) are better characterized as examples of inappropriate communications and made the suggested change. However, the Commission declined to incorporate proposed subsections (4) and (5). The Commission believes that the language is very broad and could potentially capture communications that are not inherently inappropriate. The Commission also believes that the language is unnecessary because the subject matter of the communication is already a factor for considering whether the communication is inappropriate.

Comment:

PSBA suggested that the words “a colleague” be replaced by the word “others” in proposed § 235.5b(c) (relating to sexual harassment).

Response:

The Commission declined to make the suggested change in the final-form rulemaking because § 235.5b(c) (renamed paragraph (3) in the final-form rulemaking) specifically articulates an educator’s responsibility to colleagues.

Comment:

PSBA suggested that proposed § 235.5c(a) be revised to read as follows: “Shall apply for, accept, or assign a position or a responsibility only on the basis of professional qualifications and abilities.”

Response:

The Commission agreed with PSBA that the words “and abilities” should be added to the end of proposed § 235.5c(a) (renamed paragraph (2) in the final-form rulemaking) and made the change. The Commission believes that the addition of the word “only” is unnecessary and declined to make the suggested change.

Comment:

PSBA suggested that the following be included in proposed § 235.5c(g): “providing unauthorized assistance to students, unauthorized alteration of test responses, results or data. . .”

Response:

The Commission appreciates PSBA’s comment and made the suggested change to proposed § 235.5c(g) (renamed paragraph (8) in the final-form rulemaking).

Comment:

PSBA suggested that the words “for personal gain or advantage” be deleted from proposed § 235.5c(l) for clarity.

Response:

The Commission agreed that proposed § 235.5c(l) required clarity. However, the Commission was concerned that simply deleting the words “for personal gain or advantage” would not provide the needed clarity. Accordingly, proposed § 235.5c(l) (renamed paragraph (11) in the final-form rulemaking) is revised to read as follows: “Shall use school funds, property, facilities, and resources only in accordance with local policies and local, state, and federal laws.”

IRRC

Comment:

IRRC commented that section 5(a)(10) of the act provides the Commission authority to adopt a code of conduct, but it does not provide the authority to promulgate that code as a regulation under the Regulatory Review Act. IRRC further commented that section 206 of the Commonwealth Documents Law (CDL) (45 P.S. § 1206) provides the Commission authority to promulgate a code of conduct in a form and manner other than a regulation.

Response:

Under the Rules of Statutory Construction, statutes or parts of statutes in *pari materia* are to be construed together. 1 Pa.C.S. § 1932 (relating to statutes in *pari materia*). Contrary to the comment that there is a lack of statutory authority, the Commission is authorized to promulgate regulations establishing and enforcing a code of conduct for educator discipline when the relevant sections of the act are read in *pari materia*. Further, the history and the legislative intent of the act also support this authorization.

To begin, the following is a brief history of the evolution of the relevant statutory provisions relating to the Commission’s regulatory authority and the code for professional practice and conduct.

The Commission was first established by the act of December 12, 1973 (P.L. 397, No. 141) (24 P.S. §§ 12-1251—12-1268), referred to as the Teacher Certification Law. Sections 12-1251 to 12-1268 were renumbered as 24 P.S. §§ 2070.1—2070.18 in 1994. As originally constituted, the Commission was an advisory group to the State Board of Education. The authority to discipline educators for misconduct was vested in the Secretary of Education. The Teacher Certification Law provided in pertinent part that the Commission shall have the power and its duty shall be “[t]o adopt *rules and regulations* as may be necessary to carry out the purposes of this act.” Formerly (24 P.S. § 12-1255(a)(5)) (Emphasis added). The Commission was subsequently terminated, effective December 31, 1988, after the sunset provision was not extended.

The act of December 14, 1989 (P.L. 612, No. 71) (24 P.S. §§ 12-1251—12-1268) re-established the Commission and amended the underlying act. The amendments maintained the Commission’s advisory functions, while also imbuing it with significant new duties and responsibilities, including the authority to discipline educators for misconduct. The General Assembly also charged the Commission for the first time with adopting a code of conduct. Specifically, section 5(a)(10) of the Teacher Certification Law provided that the Commission shall have the

power and its duty shall be “[t]o adopt by July 1, 1991, a code for professional practice and conduct, pursuant to the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law.” Formerly 24 P.S. § 12-1255(a)(10). Section 5(a)(10) further provided that “the code may specify those sections the violation of which may constitute a basis for a reprimand.” *Id.* Section 5(a)(14) empowered the Commission “[t]o adopt, pursuant to the act of July 31, 1968 (P.L. 769, No. 240), referred to as the CDL, operating and procedural rules and regulations necessary to carry out the purposes of this act.” Formerly 24 P.S. § 12-1255(a)(14) (Emphasis added). Finally, section 8 provided that “[e]ach rule and regulation of the Professional Standards and Practices Commission in effect on December 31, 1988, shall remain in effect until repealed or amended by the commission.” Formerly 24 P.S. § 12-1258 (Emphasis added).

The act of December 20, 2000 (P.L. 918, No. 123) (24 P.S. §§ 2070.1—2070.18a) amended the Teacher Certification Law and renamed it the Professional Educator Discipline Act (PEDA). Sections 5(a)(10) (relating to the code for professional practice and conduct) and (14) (relating to rules and regulations) remained intact.

Finally, the act of December 18, 2013 (P.L. 1205, No. 120) (24 P.S. §§ 2070.1a—2070.18c) amended the PEDA and renamed it the Educator Discipline Act (EDA). Section 5(a)(10) was amended to read as follows: “To adopt and maintain a code for professional practice and conduct that shall be applicable to any educator as defined in this act, pursuant to the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law.” (Emphasis added). Section 9c(a)(8) of the EDA (24 P.S. § 2070.9c(a)(8)) provides that the Commission “shall direct the department to impose discipline against any educator for conduct found by the commission to constitute . . . [a] violation of the code of professional practice and conduct adopted pursuant to section 5(a)(10).” (Emphasis added). Further, under section 5(a)(14) (24 P.S. § 2070.5(a)(14)), the Commission maintains its general authority to adopt rules and regulations necessary to carry out the purposes of the Act.

Two things are clear: (1) from its inception in 1973, the Commission has always had the statutory authority to promulgate regulations; and (2) the General Assembly clearly intended the code for professional practice and conduct required by section 5(a)(10) to be enforced and to have the force and effect of law.

This is supported by the fact that the Code of Professional Practice and Conduct for Educators (Code) has been enforced as a regulation for 27 years. Further, the failure to reference the Regulatory Review Act (RRA) (71 P.S. §§ 745.1—745.14) in section 5(a)(10) of the act does not mean that the Code may only be adopted as a statement of policy.

While the RRA provides for oversight and review by IRRC and the General Assembly, the procedures by which all Commonwealth agencies exercise their statutory power to promulgate regulations are set forth in the CDL. See *Germantown Cab Co. v. Phila. Parking Auth.*, 36 A.3d 105 (Pa. 2012). “It is well settled that agency regulations must be promulgated pursuant to the procedures found in the [CDL] in order to have the force and effect of law. Statements of policy, on the other hand, need not comply with these procedures.” *Hillcrest Home, Inc. v. Commonwealth, Dep’t of Public Welfare*, 553 A.2d 1037 (Pa. Cmwlth. 1989). When the General Assembly provided that the Code shall be adopted under the CDL, it clearly meant that the Code shall be adopted under the proce-

dures established in the CDL, that is, the procedures for promulgation of a regulation. If the General Assembly intended the Code to be anything other than a regulation, the language “to adopt pursuant to the Commonwealth Documents Law” would be superfluous.

Section 5(a)(14) of the EDA provides additional support for the conclusion that the General Assembly intended the Code to be promulgated as a regulation. That section provides that the Commission shall have the power and duty to adopt “rules and regulations” under the “Commonwealth Documents Law.” (Emphasis added). The CDL requires notice of proposed rulemaking, the review and consideration of comments, the requirement for regulations to be within the scope of the original purpose, a minimum effective date of 30 days, the review by the Office of Attorney General, and the deposit of regulations with the Legislative Reference Bureau. 45 P.S. §§ 1201—1208. Clearly, here, the General Assembly’s reference to the CDL was intended to invoke the rulemaking process. Similarly, the reference to the CDL in section 5(a)(10) was also intended as a reference to the rulemaking process.

Further, the EDA provides that the Code “shall be applicable to any educator” and that the Commission “shall direct the department to impose discipline against any educator” found guilty of violating the Code. 24 P.S. § 2070.5(a)(10); 24 P.S. § 2070.9c(a)(8). This language clearly evidences the General Assembly’s intent that the Code create a binding norm, that is, that it have the force and effect of law. It is axiomatic that a statement of policy, unlike a regulation, cannot bind third parties. See *Eastwood Nursing & Rehab. Ctr. v. Dep’t of Pub. Welfare*, 910 A.2d 134 (Pa. Cmwlth. 2006). Therefore, the General Assembly simply could not have intended that the Code be adopted as a statement of policy.

The legislative history of the act of December 14, 1989 (P.L. 612, No. 71), which first charged the Commission with adopting a code for professional practice and conduct, lends further support for this conclusion. The following exchange between the Honorable Representative Cohen and the Honorable Representative Cowell (a prime-sponsor of the law), is instructive.

Representative Cohen: “Does this commission have the power to issue regulations? Can new regulations be issued for new standards of conduct under this act?”

Representative Cowell: “Let me find the exact language, Mr. Speaker. Page 9, section (10), provides that the commission will promulgate a code for professional practice and conduct by July 1 of 1991. As I recall, that is similar to the language that we had in the version of the bill that we approved earlier this year. It also includes a caveat that we included in our original bill, and that is the language that ‘Nothing in the code for professional practice and conduct shall be an independent basis for the suspension or revocation of a certificate. . . .’”

House Legislative Journal, October 4, 1989, No. 58 at 1566-1567.

In response to the question whether the Commission has the authority to adopt regulations establishing new standards of conduct, the Honorable Representative Cowell specifically invoked section 5(a)(10). This is convincing evidence that the General Assembly intended that the Commission establish enforceable standards of conduct through the rulemaking process.

It is fundamental that the object of all interpretation and construction of statutes is to ascertain and effectuate

the intention of the General Assembly, and that every statute shall be construed to give effect to all its provisions. 1 Pa.C.S. § 1921(a) (relating to legislative intent controls); *MERSCORP, Inc. v. Del. Cty.*, 207 A.3d 855 (Pa. 2019). In ascertaining legislative intent, it is presumed that the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable. 1 Pa.C.S. § 1922(1) (relating to presumptions in ascertaining legislative intent). That is, the body charged with regulating the conduct of the Commonwealth's educators has to both be able to adopt and enforce those provisions.

Comment:

IRRC commented that language found in the existing regulation and in proposed amendments is nonregulatory in nature and recommended that the entire final-form regulation be amended to set standards that are clear, binding and enforceable.

Response:

The Commission appreciates IRRC's comment and agrees that much of the language in the existing regulation and the proposed rulemaking is more appropriate for a statement of policy. Throughout this final-form rulemaking, non-regulatory language is deleted to provide educators with clear and precise standards for compliance.

Comment:

IRRC requested that the Commission explain why the proposed amendments do not conflict with the PRFPA.

Response:

IRRC's comment was prompted by comments submitted by the Pennsylvania Catholic Conference (PCC). In response to the PCC's comments, the Commission adds § 235.2(d) to this final-form rulemaking. Additionally, proposed §§ 235.4(b)(4) and 235.5c(h) are deleted in this final-form rulemaking and replaced by §§ 235.5a(b)(6) and 235.5b(4). These changes avoid conflict with existing anti-discrimination laws and the PRFPA.

Comment:

IRRC requested that the Commission explain the rationale for including the word "justifiably" in the proposed definition of "fiduciary relationship" or to delete the word if it is not needed.

Response:

The definition and all references to the term "fiduciary relationship" are deleted in the final-form rulemaking.

Comment:

IRRC suggested that the Commission define the term "short-term" in this final-form rulemaking to add clarity to proposed § 235.4(b)(2).

Response:

Section 235.4 is deleted in its entirety in this final-form rulemaking.

Comment:

IRRC recommended that the Commission define the term "unauthorized drugs" in this final-form rulemaking to add clarity to proposed § 235.5a(g) and (h) (renamed subsection (b)(11) and (12) in this final-form rulemaking).

Response:

This final-form rulemaking defines "unauthorized drugs" as "Any controlled substance or other drug possessed by a person not authorized by law to possess

such controlled substance or other drug." With the inclusion of this definition, the Commission believes that § 235.5a(b)(11) and (12) are clear and capable of enforcement.

Comment:

IRRC commented that the definitions of "dual or multiple relationships," "electronic communications" and "fiduciary relationship" include the terms that are being defined and recommended that the definitions be amended to comply with the *Pennsylvania Code & Bulletin Style Manual (Manual)*.

Response:

The definitions of "fiduciary relationship" and "dual or multiple relationships" are deleted in this final-form rulemaking. The Commission made the recommended change to the definition of "electronic communications."

Comment:

IRRC commented that the definitions of "school entity" and "sexual misconduct" in § 235.3a include an incorrect statutory citation to § 1.2 of the act.

Response:

The proposed rulemaking as submitted by the Commission contained the correct statutory citation to section 1b of the act (24 P.S. § 2070.1b). The change to the incorrect citation was made prior to publication in the *Pennsylvania Bulletin*. The Commission corrected the citation in this final-form rulemaking.

*(Editor's Note: The inconsistent citation to section 1b or section 1.2 of the act (24 P.S. § 2070.1b) in the definitions of "educator," "school entity" and "sexual misconduct" has been corrected to be consistent as section 1.2 of the act (24 P.S. § 2070.1b).)*

Comment:

IRRC recommended that the phrase "including, but not limited to" be replaced by the term "includes" in proposed §§ 235.4(b)(9) and 235.5a(j) as suggested by the *Manual*.

Response:

Section 235.4 is deleted in its entirety in this final-form rulemaking. The Commission made the recommended change to proposed § 235.5a(j) (renamed subsection (b)(13) in this final-form rulemaking).

Comment:

IRRC commented that the language "including sexual relationships, with students" should be deleted from proposed § 235.5a(d) (renamed subsection (b)(3) in the final-form rulemaking) because "sexual relationship" is included in the defined term "sexual misconduct."

Response:

The Commission appreciates IRRC's comment and made the suggested change in this final-form rulemaking. PSEA

PSEA submitted comments on January 6, 2021. The comments reference new draft revisions that were circulated to stakeholders on November 17, 2020. Where applicable, the responses as follow reference the relevant section(s) of the proposed rulemaking.

Comment:

PSEA commented that the language "be cognizant that...requires the educator to" in proposed § 235.4(b)(12) (renamed § 235.5a(b)(1) in the final-form rulemaking) does not set a clear standard for compliance and should be eliminated.



Response:

The Commission appreciates PSEA's comment and made the suggested change in this final-form rulemaking.

Comment:

PSEA commented that proposed § 235.4(b)(14) does not set a clear standard for compliance and should be eliminated.

Response:

The Commission appreciates PSEA's comment and made the suggested change in this final-form rulemaking.

Comment:

PSEA commented that the term "embarrassment" is a subjective term that does not set a clear standard for compliance and should be eliminated from proposed § 235.5a(f) (renamed subsection (b)(5) in this final-form rulemaking).

Response:

The Commission appreciates PSEA's comment and made the suggested change in this final-form rulemaking.

Comment:

PSEA suggested that the word "unlawfully" be added immediately before "discriminate" in §§ 235.5a(b)(6) and 235.5b(4) (these sections replaced section 235.5c(h) of the proposed rulemaking).

Response:

The Commission appreciates PSEA's comment and made the suggested change in this final-form rulemaking.

Comment:

PSEA commented that proposed § 235.4(b)(8) does not set a clear standard for compliance and should be eliminated.

Response:

The Commission appreciates PSEA's comment and made the suggested change in this final-form rulemaking.

Comment:

PSEA suggested that the Commission add the word "lawful" immediately before "written school policies" in proposed § 235.4(b)(1) (renamed section § 235.5c(1) in the final-form rulemaking) and proposed § 235.5c(e) (renamed § 235.5c(6) in the final-form rulemaking) because school entities sometimes create and attempt to implement policies that are unlawful.

Response:

The Commission appreciates PSEA's comment but declined to make the suggested change in this final-form rulemaking. The Commission was concerned that the suggested language would make the Commission the arbiter of which school policies are and are not lawful, which is the exclusive province of the courts. The suggested language would also potentially place an additional burden on the Department to establish the lawfulness of a school policy before an educator could be disciplined for a violation. Moreover, under this final-form rulemaking a violation of school policy may be an independent basis for a public or private reprimand. Therefore, if serious questions exist regarding the lawfulness of a school policy, the Commission could decline to impose discipline or could defer discipline until the courts have had an opportunity to rule.

### *Affected Parties*

This chapter affects all educators who have been certified by the Department, as well as all noncertified charter or cyber charter school staff members and contracted educational provider staff members who work in positions for which certification would be required in a traditional public school but who are legally exempted from the certification requirements.

### *Fiscal Impact and Paperwork Requirements*

This final-form rulemaking has no fiscal impact and imposes no additional reporting or paperwork requirements on affected parties.

### *Sunset Date*

There is no sunset date. The effectiveness of this final-form rulemaking will be reviewed and evaluated on an ongoing basis.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 8, 2019, the Commission submitted a copy of the proposed rulemaking, published at 49 Pa.B. 1905, to IRRC and to the Chairpersons of the House and Senate Education Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period. In preparing the final-form rulemaking, the Commission considered all comments from IRRC and the public.

On May 12, 2021, the Commission submitted a copy of this final-form rulemaking to IRRC and the Chairpersons of the House and Senate Education Committees in accordance with 71 P.S. § 745.5a(b) of the Regulatory Review Act. Under Section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 16, 2021, the final-form rulemaking was approved by the House and Senate Committees. Under Section 5.1(e) of the Regulatory Review Act, IRRC met on June 17, 2021, and approved the final-form rulemaking.

### *Contact Persons*

For further information, contact Shane Crosby, Executive Director, 333 Market Street, 14th Floor, Harrisburg, PA 17126, (717) 787-6576, [shcrosby@pa.gov](mailto:shcrosby@pa.gov).

### *Findings*

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

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

(3) The amendments to this final-form rulemaking do not enlarge the scope of the proposed rulemaking published at 49 Pa.B. 1905.

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

### *Order*

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

(a) The regulations of the Commission at 22 Pa. Code Chapter 235 are amended by deleting §§ 235.3, 235.4,

235.5 and 235.6—235.11, amending 235.1 and 235.2, and adding 235.3a, 235.5a, 235.5b and 235.5c to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order and Annex A to the Office of General Counsel and the Office of the Attorney General for approval as to form and legality as required by law.

(c) The Executive Director of the Commission shall submit this order and Annex A to IRRC and the House and Senate Committees as required by the Regulatory Review Act.

(d) The Executive Director of the Commission shall certify this order and Annex A to the Legislative Reference Bureau as required by law.

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

MYRON YODER,  
*Chairperson Pro Tempore*

*(Editor’s Note:* See 51 Pa.B. 3680 (July 3, 2021) for IRRC’s approval order.)

**Fiscal Note:** Fiscal Note 6-340 remains valid for the final adoption of the subject regulations.

**Requests for Final-Form Rulemaking**

In accordance with section 5.1(a) of Act 1997-24, requests for information concerning the final-form rulemaking may be submitted to the Commission. Commentators that request information regarding the final-form rulemaking will receive a copy of the rulemaking when the Commission submits the final-form rulemaking to the Independent Regulatory Review Commission and the House and Senate Education Committees.

The Commission will send a copy of the final-form rulemaking to the following commentators:

Emily Kreps, Legal Assistant  
Independence Law Center  
23 North Front Street  
Harrisburg, PA 17101  
(717) 657-4990  
Fax: (717) 545-8107  
ekreps@indlawcenter.org

Eric A. Failing  
Executive Director  
Pennsylvania Catholic Conference  
P.O. Box 2835  
Harrisburg, PA 17105-2835  
EFailing@pacatholic.org

Stuart L. Knade  
Senior Director of Legal Services  
Pennsylvania School Boards Association  
400 Bent Creek Boulevard  
Mechanicsburg, PA 17050-1873  
stuart.knade@psba.org

**Annex A**

**TITLE 22. EDUCATION**

**PART XIV. PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

**CHAPTER 235. CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR EDUCATORS**

**§ 235.1. Mission.**

The Professional Standards and Practices Commission (PSPC) is committed to providing leadership for improving the quality of education in this Commonwealth by

establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession.

**§ 235.2. Introduction.**

(a) Professional conduct defines interactions between the individual educator and students, the employing agencies and other professionals. Generally, the responsibility for professional conduct rests with the individual educator. However, in this Commonwealth, the Professional Standards and Practices Commission (PSPC) is charged with the duty to adopt and maintain a code for professional practice and conduct that shall be applicable to any educator. See section 5(a)(10) of the Educator Discipline Act (act) (24 P.S. § 2070.5(a)(10)).

(b) In recognition of the magnitude of the responsibility inherent in the education process and by virtue of the desire to maintain the respect and confidence of their colleagues, students, parents and the community, educators shall be guided in their conduct by their commitment to their students, colleagues and profession.

(c) Violations of any of the duties prescribed by this chapter may be used as supporting evidence in disciplinary proceedings conducted by or on behalf of the PSPC under the act. Violations of this chapter may also be an independent basis for a public or private reprimand. Discipline for conduct that constitutes both a basis for discipline under the act and an independent basis for discipline under this chapter shall not be limited to a public or private reprimand. Nothing in this chapter shall be construed to otherwise limit the Department of Education’s authority to initiate an action under the act to suspend, revoke or otherwise discipline an educator’s certificate or employment eligibility, or both.

(d) Nothing in this chapter shall be construed or interpreted to require an educator to violate any of the doctrines, tenets, policies, or practices of any religious or religiously-affiliated school in which that educator is employed.

**§ 235.3. (Reserved).**

**§ 235.3a. Definitions.**

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

*Act*—The Educator Discipline Act (act) (24 P.S. § 2070.1a—2070.18c).

*Boundaries*—The verbal, physical, emotional and social distances between an educator and a student.

*Educator*—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

*Electronic communication*—A communication transmitted by means of an electronic device such as a telephone, cellular telephone, computer, computer network, personal data assistant or pager, including e-mails, text messages, instant messages and communications made by means of an Internet web site, such as social media and social networking web sites, or mobile device applications.

*Harm*—The impairment of learning or any physical, emotional, psychological, sexual or intellectual damage to a student or a member of the school community.

*School entity*—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

*Sexual misconduct*—As defined in section 1.2 of the act (24 P.S. § 2070.1b).

*Unauthorized drugs*—Any controlled substance or other drug possessed by a person not authorized by law to possess such controlled substance or other drug.

§ 235.4. (Reserved).

§ 235.5. (Reserved).

§ 235.5a. Commitment to students.

(a) The primary professional obligation of educators is to the students they serve.

(b) In fulfillment of the commitment to students, educators:

(1) Shall exercise their rights and powers in good faith and for the benefit of the student.

(2) Shall maintain appropriate professional relationships and boundaries with all students at all times, both in and outside the classroom.

(3) Shall not sexually harass students or engage in sexual misconduct.

(4) Shall exert reasonable effort to protect students from harm.

(5) Shall not intentionally expose a student to disparagement.

(6) Shall exhibit consistent and equitable treatment and shall not unlawfully discriminate against students.

(7) Shall not interfere with a student's exercise of political or civil rights and responsibilities.

(8) Shall not knowingly or intentionally distort or misrepresent evaluations of students or facts regarding students.

(9) Shall not knowingly or intentionally misrepresent subject matter or curriculum.

(10) Shall respect a student's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning student records and confidential communications of students.

(11) Shall not be on school premises or at a school-related activity involving students, while under the influence of, possessing or consuming alcoholic beverages or illegal or unauthorized drugs.

(12) Shall not furnish, provide, or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, vaping products, illegal or unauthorized drugs or knowingly allow any student or underage person to consume alcohol, tobacco, vaping products, or illegal or unauthorized drugs in the presence of the educator.

(13) Shall refrain from inappropriate communication with a student or minor, including, inappropriate communication achieved by electronic communication. Inappropriate communication includes communications that are sexually explicit, that include images, depictions, jokes, stories or other remarks of a sexualized nature, that can be reasonably interpreted as flirting or soliciting sexual contact or a romantic relationship, or that comment on the physical or sexual attractiveness or the romantic or sexual history, activities, preferences, desires or fantasies of either the educator or the student. Factors that may be considered in assessing whether other communication is inappropriate include:

(i) the nature, purpose, timing and amount/extent of the communication;

(ii) the subject matter of the communication; and

(iii) whether the communication was made openly or the educator attempted to conceal the communication.

§ 235.5b. Commitment to colleagues.

In fulfillment of the commitment to colleagues, educators:

(1) Shall not knowingly and intentionally deny or impede a colleague in the exercise or enjoyment of a professional right or privilege in being an educator.

(2) Shall not knowingly and intentionally distort evaluations of colleagues.

(3) Shall not sexually harass a colleague.

(4) Shall not unlawfully discriminate against colleagues.

(5) Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.

(6) Shall not use coercive means or promise special treatment to influence professional decisions of colleagues.

(7) Shall not threaten, coerce or discriminate against a colleague who in good faith reports or discloses to a governing agency actual or suspected violations of law, agency regulations or standards.

(8) Shall respect a colleague's right to privacy and comply with all Federal and State laws and regulations, and local policies concerning confidential health or personnel information.

§ 235.5c. Commitment to the profession.

In fulfillment of the commitment to the profession, educators:

(1) Shall comply with all Federal, State, and local laws and regulations and with written school entity policies.

(2) Shall apply for, accept or assign a position or a responsibility on the basis of professional qualifications and abilities.

(3) Shall not knowingly assist entry into or continuance in the education profession of an unqualified person or recommend for employment a person who is not certified appropriately for the position.

(4) Shall not intentionally or knowingly falsify a document or intentionally or knowingly make a misrepresentation on a matter related to education, criminal history, certification, employment, employment evaluation or professional duties.

(5) Shall not falsify records or direct or coerce others to do so.

(6) Shall accurately report all information required by the local school board or governing board, State education agency, Federal agency or State or Federal law.

(7) Shall not knowingly or intentionally withhold evidence from the proper authorities and shall cooperate fully during official investigations and proceedings.

(8) Shall comply with all local, State or Federal procedures related to the security of standardized tests, test supplies or resources. Educators shall not intentionally or knowingly commit, and shall use reasonable efforts to prevent, any act that breaches test security or compromises the integrity of the assessment, including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, providing unauthorized assistance to students, unauthorized alteration of test responses, results or data, and violating local school board or State directions for the use of tests.



(9) Shall not accept or offer gratuities, gifts or favors that impair or appear to influence professional judgment, decisions, or actions or to obtain special advantage. This section shall not restrict the acceptance of de minimis gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

(10) Shall not exploit professional relationships with students, parents or colleagues for personal gain or advantage.

(11) Shall use school funds, property, facilities, and resources only in accordance with local policies and local, State and Federal laws.

§§ 235.6—235.11. (Reserved).

[Pa.B. Doc. No. 21-1312. Filed for public inspection August 20, 2021, 9:00 a.m.]

**Title 58—RECREATION**

**PENNSYLVANIA GAMING CONTROL BOARD**

**[ 58 PA. CODE CHS. 1101a—1120a ]**

**Video Gaming**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. §§ 3301(a) and (b)(30) and 3302 (relating to general and specific powers; and regulatory authority of the board) promulgates final-form governing the licensing, conduct and regulatory oversight of video gaming in the Commonwealth as set forth in Annex A.

*Purpose of the Final-Form Rulemaking*

This final-form rulemaking will provide a regulatory oversight structure for the conduct of video gaming at licensed truck stop establishments in this Commonwealth.

The regulations are necessary to implement 4 Pa.C.S. Part III (relating to video gaming) added under the act of October 30, 2017 (P.L. 419, No. 42) (Act 42 of 2017), whose intent is to provide truck stops which meet certain eligibility criteria the option of providing video gaming through a terminal operator licensee on the premises of the licensed truck stop establishment, and to ensure the integrity of the acquisition and operation of the video gaming terminals, redemption terminals and associated equipment. See 4 Pa.C.S. § 3301.

*Explanation*

Part VII, Subpart N (relating to video gaming) establishes the complete regulatory package necessary for the Board to commence licensing of truck stop establishments which elect to host video gaming activities, of terminal operators who place and operate video gaming terminals in truck stop establishments, of manufacturers, suppliers and gaming service providers. In addition, the subpart provides for testing of all equipment used in video gaming operations and establishes rules for the possession of video gaming terminals, accounting and internal controls and the conduct of video gaming in this Commonwealth. Finally, the subpart addresses compulsive and problem gambling, self-exclusion and Board-imposed exclusion upon persons whose presence in a video gaming area would be inimical to the Commonwealth's interests.

Subpart N establishes a broad regulatory oversight structure for video gaming. Section 1101a.2 (relating to

definitions) provides the relevant definitions used throughout the chapter for the conduct of video gaming.

The regulation identifies numerous categories of licensees based upon the statutory criteria for licensure in the Act. Those categories of persons subject to licensure include terminal operators, establishment licensees and their principal qualifiers and key qualifiers, principals, key employees, suppliers, manufacturers, gaming service providers and occupation permittees. Chapters 1102a through 1109a establish the application and general requirements licensees and permittees must comply with to apply with the Board to participate in the regulated conduct of video gaming.

Sections 1110a.1 through 1111a.1 provide for a preliminary review of the application, followed by the processing of the applications by Board staff, addressing deficient and abandoned applications, avenues for withdrawing an application from consideration, and the terms and renewal periods for licenses.

Chapter 1112a (relating to video gaming terminal, redemption terminal and associated equipment testing and certification) addresses the testing and certification standards and processes for video gaming terminals, redemption terminals and associated equipment used in the conduct of video gaming. Testing of the video gaming terminals, redemption terminals and associated equipment is vital to assuring the proper operation of the machines within statutorily mandated guidelines as well as to assure fairness to patrons utilizing video gaming terminals.

Chapters 1113a, 1114a and 1115a (relating to possession of video gaming terminals; accounting and internal controls; and record retention) address the possession of video gaming terminals and establish video gaming accounting and internal control as well as record retention requirements. The purpose of these sections is to ensure accountability for revenues, play of games and overall integrity of the video gaming product.

Chapter 1116a (relating to conduct of video gaming) establishes standards for the video gaming area, video gaming terminals, redemption terminals, automated teller machines and restrictions on terminal operators, establishment licensees and employees of licensees in relation to the operation and conduct of video gaming.

Chapter 1117a (relating to video terminal placement agreements) requires that video terminal placement agreements between terminal operators and establishment licensees must be approved by the Board. It also establishes the standards which those agreements must satisfy in order to achieve Board approval.

Chapters 1118a and 1119a (relating to compulsive and problem gaming; and self-exclusion) relate to compulsive and problem gaming and establish requirements for signage in video gaming areas, the provision of problem gaming information and training as well as for the creation of a video gaming self-exclusion list as required by 4 Pa.C.S. § 3903(a) (relating to self-exclusion) and procedures by which individuals may self-exclude from the conduct of video gaming as well as removing oneself from the self-exclusion list.

Finally, Chapter 1120a (relating to exclusion of persons from video gaming) provides a mechanism establishing the Board's mandatory exclusion list and lists the basis upon which exclusion can be imposed, that is, generally if the persons conduct and presence at an establishment licensees' premises would be inimical to the interests of the Commonwealth and licensed gaming therein. The

chapter further establishes the process which must be undertaken to initiate proceedings to exclude a person, including notice and a right to be heard, outlines a licensed establishments obligation to exclude the person, and provides an opportunity for an excluded person to seek his removal from the list of excluded persons.

*Response to Comments*

The Board did not receive any public comments from the regulated community or the general public. Comments were received from the Independent Regulatory Review Commission (IRRC), and responses to the comments are as follows:

*Protection of the public health, safety and welfare; Implementation procedures*

The Board acted with all possible due diligence in getting this final-form rulemaking promulgated to regulate the video gaming industry. After the passage of Act 42 of 2017, the Board was tasked with promulgating regulations for five separate forms of expanded gaming in rapid succession. In November 2020, Governor Tom Wolf signed the act of November 23, 2020 (P.L. 1140, No. 114) (Act 114 of 2020), making amendments to the Fiscal Code of the Commonwealth. Act 114 on 2020 included a provision that extended the expiration date of temporary regulations of the Board from 2 years after publication to 3 years after publication. Therefore, the temporary regulations for video gaming, originally published at 48 Pa.B. 1524 (March 17, 2018) did not expire until March 17, 2021. To date, the Board has not had any issues involved in the regulatory oversight of video gaming in this Commonwealth.

*Compliance with the Regulatory Review Act and regulations of IRRC*

All matters addressed in this comment have been remedied in the final-form Regulatory Analysis Form.

*§ 1101a.2. Definitions; Clarity; Reasonableness*

The legislature did not include a definition of “commercial motor vehicle” in Act 42 of 2017 when making amendments to the act. The Board deemed that it was most appropriate to use the definition of “commercial motor vehicle” from 75 Pa.C.S. § 1603 (relating to definitions), as those are the laws that govern vehicles in the Commonwealth and the only place the term is defined in the Commonwealth’s laws. The Board believes this is the approach most consistent with ensuring that the truck stop establishments have adequate parking spaces for what the legislature has previously defined as commercial motor vehicles.

*§ 1102a.3. Conditional terminal operator and procurement agent licenses; Clarity*

The title of the section has been amended to reflect the recommended changes.

Subsection (a) is amended to indicate that the applicant must specifically request the conditional licensure when the original application is filed, to document that it is a separate and distinct request. The same changes are made in §§ 1103a.3 and 1104a.2 (relating to conditional establishment licenses; and conditional procurement agent principal licenses).

*§ 1102a.4. Terminal operator licensee change of control; Clarity*

The definition of “controlling interest” is added to § 1101a.2 (relating to definitions) as requested.

The language found in §§ 1102a.4, 1103a.4(a), 1106a.1(g)(1) and 1107a.1(g)(1) regarding change of con-

trol and controlling interests is consistent with the Board’s existing body of regulations and other expanded gaming regulations that the Board has adopted. The gaming industry has not expressed any concern or confusion regarding the language, and therefore, no modifications have been made.

*§ 1103a.1. Establishment licenses; Need; Reasonableness*

The Board included this size language to ensure that the parking spaces at the truck stop establishments would be able to accommodate all types of commercial motor vehicles that meet the legislature’s definition of the term, and not just some of the smaller vehicles. If the Board’s requirements for parking spaces did not require adequately sized spaces to accommodate all of the types of vehicles in the definition of “commercial motor vehicle” under 75 Pa.C.S. § 1603 (relating to definitions), the 20 required spaces could only be made to accommodate vehicles as small as a 16-passenger vans or small school buses, which would preclude larger commercial motor vehicles from being able to park at and frequent the truck stop establishment. It is believed that the legislature would intend to require adequate parking spaces for larger commercial motor vehicles with sizes and weights included in the section, as that comports most with the traditional nature and character of a truck stop.

*§ 1106a.1. Supplier licenses; Protection of the public health, safety and welfare; Clarity; Reasonableness*

Section 3306(b) of 4 Pa.C.S. (relating to reporting) states that an applicant for a terminal operator license or an establishment license needs to file a diversity plan but does not impose the same requirement for supplier licensees or manufacturer licensees. The Board determined that the omission of suppliers and manufacturers from the diversity plan requirements by the legislature was intentional, and therefore the Board did not impose this requirement on suppliers and manufacturers.

Sections 1106a.1(b)(5) and 1107a.1(b) (relating to supplier licenses; and manufacturer licenses) are amended to reflect the recommended changes.

*Chapter 1112a. Video gaming terminal, redemption terminal and associated equipment testing and certification; Clarity*

The definition of “educational institution” is moved to § 1101a.2 as the terms does not appear in Chapter 1112a or subsequent chapters. Some of the terms included in the definitions section of Chapter 1112a are also used in Chapter 1113a, so language is added to clarify that the definition of the terms also applies to when the term is used in subsequent chapters.

*§ 1112a. Redemption Terminals; Clarity*

This section is amended to reflect the recommended changes.

*§ 1112a.9. Redemption terminals; Clarity*

This language is amended to reflect the recommended changes.

*§ 1113a.1. Possession of video gaming terminals generally; Clarity*

This section is amended to reflect the recommended changes.

*§ 1116a.3. Redemption terminals; Clarity*

The Board believes this section is not ambiguous or unclear. It directs that as it pertains to redemption tickets, a redemption terminal shall only accept redemp-

tion tickets produced by video gaming terminals at the truck stop establishment where the redemption terminal is located. This section is independent of any other use or function of redemption terminals. Inclusion of the language from § 1112a.9(e) (relating to redemption terminals) would be redundant and therefore unnecessary.

§ 1118a.5. *Penalties; Clarity*

This section is amended to reflect the recommended changes.

*Chapter 1119a. Self-exclusion; Protection of the public health, safety and welfare; Clarity*

This chapter has been updated to reflect the proposed changes to the self-exclusion procedures in Final Form Rulemaking # 125-225 and to be consistent with the other forms of expanded gaming.

*Chapter 1120a. Exclusion of persons from video gaming; Clarity*

The language in this chapter is amended to provide more clarity as to the exclusion of persons from establishment licensee facilities.

*Miscellaneous clarity*

The sections are amended to reflect the recommended changes.

*Fiscal Impact*

*Commonwealth.* The Board expects that the provisions contained in this final form rulemaking will have a relatively minimal fiscal impact on the Board or any other Commonwealth agency which primarily is the result of the need for some additional personnel needed to process applications and review, monitor and regulate the conduct of video gaming. Some of the additional duties will be absorbed by existing Board staff. The costs of the regulation will be paid for by an assessment against the gross terminal revenue generated by terminal operator licensees.

*Political subdivisions.* This final form rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

*Private sector.* This final form rulemaking is not anticipated to impose a negative fiscal impact on the regulated entities. The decision to participate in video gaming by an eligible truck stop establishment is not mandated by the act but is left to the discretion of those qualifying establishments.

If pursued, there will be some equipment costs for video gaming terminals, redemption terminals and surveillance and security-related equipment, as well as some limited renovation within the truck stop premises to obtain a segregated video gaming area. In addition, regulated video gaming terminal operators and establishment licensees may need to hire, train and license a limited number of staff in the conduct of video gaming. Any costs incurred to hire, train and license employees or purchase/lease equipment should be offset by the proceeds of the video gaming activity.

*General public.* This final form rulemaking will have no fiscal impact on the general public.

*Paperwork Requirements*

A terminal operator, establishment licensee, manufacturer, suppliers and person employed by those entities, will be required to file applications with the Board providing information regarding the person's proposed activity, security and surveillance as well as accounting and internal control protocols as well as background

information of each individual sufficient to permit the Board to determine the individual's suitability for licensure. Applications for licensure and other relevant forms/documents can be found on the Board's public website at <https://gamingcontrolboard.pa.gov/>.

Individuals who wish to join the video gaming self-exclusion list may do so online on the Board's responsible play and self-exclusion portal by filling out a web-based form. The web site address is <https://responsibleplay.pa.gov/self-exclusion/>.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 5, 2020, the Board submitted a copy of the proposed rulemaking, published at 50 Pa.B. 4516 (September 5, 2020) to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to submit to IRRC and the Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees and the public. With regard to this final-form rulemaking, no comments were received from the Committees.

Under section 5a(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 16, 2021, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 17, 2021, and approved the final-form rulemaking.

*Findings*

The Board finds that:

- (1) Public notice of intention to adopt these amendments 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2. (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) This final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 1101.1, 1101.2, 1102.1—1102.3, 1103.1—1103.3, 1104.1, 1105.1, 1106.1, 1107.1, 1108.1—1108.3, 1109.1, 1109.2, 1110.1—1110.4, 1111.1, 1112.1—1112.17, 1113.1—1113.7, 1114.1, 1115.1, 1116.1—1116.8, 1117.1, 1117.2, 1118.1—1118.5, 1119.1—1119.5 and 1120.1—1120.9 and adding 1101a.1, 1101a.2, 1102a.1—1102a.4, 1103a.1—1103a.4, 1104a.1, 1104a.2, 1105a.1, 1106a.1, 1107a.1, 1108a.1—1108a.3, 1109a.1, 1109a.2, 1110a.1—1110a.4, 1111a.1, 1112a.1—1112a.17, 1113a.1—1113a.6, 1114a.1, 1115a.1, 1116a.1—1116a.9, 1117a.1, 1117a.2, 1118a.1—1118a.5, 1119a.1—1119a.8 and 1120a.1—1120a.9 to read as set forth in Annex A.



(2) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DAVID M. BARASCH,  
Chairperson

(*Editor's Note:* See 51 Pa.B. 4035 (July 24, 2021) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 125-230 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 58. RECREATION

## PART VII. GAMING CONTROL BOARD

### Subpart N. VIDEO GAMING

#### Chapter 1101. (Reserved)

Sec.  
1101.1. (Reserved).  
1101.2. (Reserved).

#### CHAPTER 1101a. VIDEO GAMING GENERALLY

Sec.  
1101a.1. Scope.  
1101a.2. Definitions.

##### § 1101a.1. Scope.

The purpose of this subpart is to govern the operation of video gaming terminals in this Commonwealth. Parts I, II and III of 4 Pa.C.S. (relating to amusements generally; gaming; and video gaming) and the Board's regulations promulgated thereunder otherwise apply when not in conflict with this subpart.

##### § 1101a.2. Definitions.

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

*Applicant*—A person who, on his own behalf or on behalf of another, applies for permission to engage in an act or activity that is regulated under this subpart.

*Associated equipment*—Equipment or a mechanical, electromechanical or electronic contrivance, component or machine used in connection with video gaming terminals or redemption terminals, including replacement parts, hardware and software.

*Background investigation*—A security, criminal, credit and suitability investigation of a person as provided for in this part that includes the status of taxes owed to the United States, the Commonwealth and political subdivisions.

*Bureau*—The Bureau of Investigations and Enforcement of the Board.

*Bureau of Licensing*—The Bureau of Licensing of the Board.

*Cash*—United States currency and coin.

*Cash equivalent*—A ticket, token, chip, card or other similar instrument or representation of value that the Board deems a cash equivalent in accordance with this part.

*Central control computer*—A central site computer controlled by the Department and accessible by the Board to which all video gaming terminals communicate for the purpose of auditing capacity, real-time information retrieval of the details of a financial event that occurs in the operation of a video gaming terminal or redemption

terminal, including coin in, coin out, ticket in, ticket out, jackpots, video gaming terminal and redemption terminal door openings and power failure, and remote video gaming terminal or redemption terminal activation, and disabling of video gaming terminals or redemption terminals.

*Cheat*—

(i) To defraud or steal from a player, terminal operator licensee, establishment licensee or the Commonwealth while operating or playing a video gaming terminal, including causing, aiding, abetting or conspiring with another person to do so.

(ii) The term also means to alter or causing, aiding, abetting or conspiring with another person to alter the elements of chance, method of selection or criteria that determine any of the following:

(A) The result of a video gaming terminal game.

(B) The amount or frequency of payment in a video gaming terminal game.

(C) The value of a wagering instrument.

(D) The value of a wagering credit.

(iii) The term does not include altering a video gaming terminal or associated equipment for maintenance or repair with the approval of a terminal operator licensee and the Board.

*Cheating or thieving device*—A device, software or hardware:

(i) Used or possessed with the intent to be used to cheat during the operation or play of a video gaming terminal; or

(ii) Used to alter a video gaming terminal without the terminal operator licensee's and the Board's approval.

*Commercial motor vehicle*—As defined in 75 Pa.C.S. § 1603 (relating to definitions).

*Conduct of video gaming*—The licensed placement, operation and play of video gaming terminals under this subpart as authorized and approved by the Board.

*Controlling interest*—Any of the following:

(i) For a publicly traded domestic or foreign corporation, the term means a person has a controlling interest in a legal entity, applicant or licensee if a person's sole voting rights under state law or corporate articles or bylaws entitle the person to elect or appoint one or more of the members of the board of directors or other governing board or the person holds an ownership or beneficial holding of 5% or more of the securities of the publicly traded corporation, partnership, limited liability company or other form of publicly traded legal entity, unless this presumption of control or ability to elect is rebutted by clear and convincing evidence.

(ii) For a privately held domestic or foreign corporation, partnership, limited liability company or other form of privately held legal entity, the term means the holding of any securities in the legal entity, unless this presumption of control is rebutted by clear and convincing evidence.

*Convenience store*—A retail establishment which sells a limited selection of packaged foods, drug store items, food for consumption on or off the premises, and basic supplies for the home and table, which may include the retail sale of liquid fuels.

*Conviction*—

(i) A finding of guilt or a plea of guilty or nolo contendere, whether or not a judgment of sentence has

been imposed as determined by the law of the jurisdiction in which the prosecution was held.

(ii) The term does not include a conviction that has been expunged or overturned or for which an individual has been pardoned or had an order of accelerated rehabilitative disposition entered.

*Corporation*—The term includes a publicly traded corporation.

*Educational institution*—A facility that teaches and certifies students in video gaming terminal design, operation, repair or servicing.

*Establishment license*—A license issued by the Board authorizing a truck stop establishment to permit a terminal operator licensee to place and operate video gaming terminals on the truck stop establishment's premises under this part.

*Establishment licensee*—A truck stop establishment that holds an establishment license.

*Financial backer*—An investor, mortgagee, bondholder, noteholder, or other sources of equity or capital provided to an applicant or licensed entity.

*Gaming employee*—

(i) Any of the following individuals:

(A) An employee of a terminal operator licensee, establishment licensee or supplier licensee that is not a key employee who is involved in the conduct of video gaming, including servicing and maintaining video gaming terminals, redemption terminals, and security and surveillance equipment, and monitoring the conduct of video gaming and patrons in the video gaming area of an establishment licensee.

(B) An employee of a supplier or manufacturer licensee whose duties are directly involved with the repair or distribution of video gaming terminals or associated equipment sold or provided to a terminal operator licensee in this Commonwealth as determined by the Board.

(C) An employee of a gaming service provider who, in connection with the performance of his duties, has access to a video gaming area, video terminals, redemption terminals, and the security and surveillance systems monitoring a video gaming area.

(ii) The term does not include nongaming personnel as determined by the Board or an employee of an establishment licensee who does not have duties involving the conduct or monitoring of video gaming.

*Gaming service provider*—

(i) A person who is not required to be licensed as a terminal operator, manufacturer, supplier or establishment licensee who provides goods or services to a terminal operator licensee that directly relates to the operation and security of a video gaming terminal or redemption terminal.

(ii) The term does not include a person who supplies goods or services that, at the discretion of the Board, does not impact the integrity of video gaming, video gaming terminals or the connection of video gaming terminals to the central control computer system, including all of the following:

(A) Seating to accompany video gaming terminals.

(B) Structural or cosmetic renovations, improvements or other alterations to a video gaming area.

*Gross terminal revenue*—

(i) The total of cash or cash equivalents received by a video gaming terminal minus the total of cash or cash equivalents paid out to players as a result of playing a video gaming terminal.

(ii) The term does not include counterfeit cash or cash taken in a fraudulent act perpetrated against a terminal operator licensee for which the terminal operator licensee is not reimbursed.

*Incentive*—Consideration, including a promotion or prize, provided to a player or potential player as an enticement to play a video gaming terminal.

*Inducement*—

(i) Any of the following:

(A) Consideration paid directly or indirectly, from a manufacturer, supplier, terminal operator, procurement agent, gaming employee, employee or another person on behalf of an applicant or anyone licensed under this part, to a truck stop establishment, establishment licensee, establishment licensee owner or an employee of the establishment licensee, directly or indirectly, as an enticement to solicit or maintain the establishment licensee or establishment licensee owner's business.

(B) Cash, incentive, marketing and advertising cost, gift, food, beverage, loan, prepayment of gross terminal revenue and other contribution or payment that offsets an establishment licensee's operational costs, or as otherwise determined by the Board.

(ii) The term does not include costs paid by a terminal operator applicant or terminal operator licensee related to making video gaming terminals operate at the premises of an establishment licensee, including for improvements and renovations to the video gaming area, wiring and rewiring, software updates, ongoing video gaming terminal maintenance, redemption terminals, network connections, site controllers and costs associated with communicating with the central control computer system.

*Key employee*—An individual who is employed by a manufacturer licensee, supplier licensee or terminal operator licensee who is determined by the Board to be a director or department head or otherwise empowered to make discretionary decisions that regulate the conduct of video gaming.

*Key employee licensee*—An individual who holds a key employee license.

*Key employee qualifier*—An individual required to be qualified as part of the truck stop establishment, including an individual who is part of an entity that leases a truck stop establishment or operates a truck stop establishment pursuant to a management or other agreement, who is determined by the Board to be a director or department head or otherwise empowered to make discretionary decisions that regulate the conduct of video gaming.

*Law enforcement authority*—The power to conduct investigations of or to make arrests for criminal offenses.

*Licensed entity*—A terminal operator licensee, establishment licensee, manufacturer licensee or supplier licensee under this part.

*Licensed facility*—As defined in section 1103 of the act (relating to definitions).

*Licensed gaming entity*—As defined in section 1103 of the act.

*Licensee*—A person listed under this part.

*Manufacturer*—A person who manufactures, builds, re-builds, fabricates, assembles, produces, programs, designs or otherwise makes modifications to a video gaming terminal, redemption terminal or associated equipment for use or play of video gaming terminals in this Commonwealth for video gaming purposes.

*Manufacturer license*—A license issued by the Board authorizing a manufacturer to manufacture or produce video gaming terminals, redemption terminals or associated equipment for use in this Commonwealth for video gaming purposes.

*Manufacturer licensee*—A person that holds a manufacturer license.

*Minor*—An individual under 21 years of age.

*Nongaming employee*—An individual who is employed by a terminal operator licensee, manufacturer licensee, supplier licensee, gaming service provider or establishment licensee and whose duties do not involve the conduct of video gaming or the monitoring of a video gaming area, either directly or through surveillance.

*Nonkey employee*—An individual employed by a terminal operator licensee who, unless otherwise designated by the Board, is not a key employee.

*Occupation permit*—A permit authorizing an individual to be employed or to work as a gaming employee for a terminal operator licensee, an establishment licensee, a gaming service provider, a supplier licensee or as an employee of a manufacturer who performs duties at the premises of a terminal operator or establishment licensee relating to video gaming terminals or redemption terminals.

*Person*—A natural person, corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited liability partnership, association or other form of legal business entity.

*Player*—An individual who wagers cash or a cash equivalent in the play or operation of a video gaming terminal and the play or operation of which may deliver or entitle the individual playing or operating the video gaming terminal to receive cash or a cash equivalent from a terminal operator licensee.

*Principal*—An officer, director or person who directly holds a beneficial interest in or ownership of the securities of an applicant or licensee under this part as a terminal operator, manufacturer or supplier or who has a controlling interest in an applicant or licensee as a terminal operator, manufacturer or supplier under this part or has the ability to elect a majority of the board of directors of a terminal operator, manufacturer or supplier licensee or to otherwise control anyone licensed under this part, procurement agent, lender or other licensed financial institution of an applicant or a terminal operator, manufacturer or supplier licensee under this part, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business, underwriter of an applicant or anyone licensed under this part or other person or employee of a terminal operator licensee, manufacturer licensee or supplier licensee deemed to be a principal by the Board, including a procurement agent.

*Principal qualifier*—Each owner, officer and director of the truck stop establishment, including each individual or owner, officer and director of an entity that leases a truck stop establishment or operates a truck stop establishment pursuant to a management or other agreement who is required to be qualified as part of the truck stop estab-

lishment application. For purposes of this definition, an owner is each individual who has a direct or indirect ownership or beneficial interest of 10% or more or an entity who has a direct ownership or beneficial interest of 20% or more in the truck stop establishment or other person as determined by the Board. An officer is a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

*Procurement agent*—A person that shares in the gross terminal revenue or is otherwise compensated for the purpose of soliciting or procuring a terminal placement agreement.

*Progressive payout*—A video game terminal wager payout that increases in a monetary amount based on the amounts wagered in a progressive system.

*Progressive system*—A computerized system linking video gaming terminals on the premises of an establishment licensee and offering one or more common progressive payouts based on the amounts wagered.

*Publicly traded corporation*—A person, other than an individual, who:

(i) Has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78qq).

(ii) Is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

(iii) Is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement that has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

*Redemption terminal*—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the payment of cash or a cash equivalent to a player as a result of playing a video gaming terminal.

*Registrant*—A holder of a nongaming registration under this part.

*Security*—As defined in the Pennsylvania Securities Act of 1972 (70 P.S. §§ 1-101—1-703.1).

*Subsidiary*—As defined in section 1103 of the act.

*Supplier*—A person that sells, leases, offers or otherwise provides, distributes or services any video gaming terminal, redemption terminal or associated equipment to a terminal operator licensee for use or play in this Commonwealth.

*Supplier license*—A license issued by the Board authorizing a supplier to provide products or services related to video gaming terminals, redemption terminals or associated equipment to terminal operator licensees for use in this Commonwealth for the conduct of video gaming.

*Supplier licensee*—A person that holds a supplier license.

*Terminal operator*—A person that owns, services or maintains video gaming terminals for placement and operation on the premises of an establishment licensee.

*Terminal operator license*—A license issued by the Board authorizing a terminal operator to place and operate video gaming terminals in an establishment licensee's premises under this part.



*Terminal operator licensee*—A person that holds a terminal operator license.

*Terminal placement agreement*—The formal written agreement or contract between an applicant for a terminal operator license or terminal operator licensee and an applicant for an establishment license or establishment licensee that establishes the terms and conditions regarding the conduct of video gaming.

*Truck stop establishment*—A premises that:

(i) Is equipped with diesel islands used for fueling commercial motor vehicles.

(ii) Has sold on average 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months or is projected to sell an average of 50,000 gallons of diesel or biodiesel fuel each month for the next 12 months.

(iii) Has at least 20 parking spaces dedicated for commercial motor vehicles as defined in 75 Pa.C.S. § 1603.

(iv) Has a convenience store.

(v) Is situated on a parcel of land of not less than 3 acres that the truck stop establishment owns or leases.

(vi) Is not located on any property owned by the Pennsylvania Turnpike Commission.

*Video gaming area*—The area of an establishment licensee’s premises where video gaming terminals and redemption terminals are installed for operation and play.

*Video gaming employees*—The term includes gaming employees, key employees and nonkey employees.

*Video gaming terminal*—

(i) A mechanical or electrical contrivance, terminal, machine or other device approved by the Board that, upon insertion of cash or cash equivalents, is available to play or operate one or more gambling games, the play of which utilizes a random number generator and:

(A) May award a winning player either a free game or credit that shall only be redeemable for cash or cash equivalents at a redemption terminal.

(B) May utilize video displays.

(C) May use an electronic credit system for receiving wagers and making payouts that are only redeemable at a redemption terminal.

(ii) Associated equipment necessary to conduct the operation of the contrivance, terminal, machine or other device.

(iii) The term does not include a slot machine operated at a licensed facility in accordance with the act or a coin-operated amusement game.

(iv) The term does not include “lottery” as defined in section 302 of the State Lottery Law (72 P.S. § 3761-302).

**Chapter 1102. (Reserved)**

Sec.  
1102.1—1102.3. (Reserved).

**CHAPTER 1102a. TERMINAL OPERATOR LICENSEES**

Sec.  
1102a.1. Terminal operator licenses.  
1102a.2. Terminal operator license issuance and statement of conditions.  
1102a.3. Conditional terminal operator and procurement agent licenses.  
1102a.4. Terminal operator licensee change of control.

**§ 1102a.1. Terminal operator licenses.**

(a) An applicant for a terminal operator license may conduct video gaming upon approval by the Board and in accordance with 4 Pa.C.S. Part III (relating to video gaming) and this chapter.

(b) An applicant shall submit all of the following:

(1) An Enterprise Entity Application and Disclosure Information Form.

(2) The nonrefundable application fee of \$25,000 in accordance with 4 Pa.C.S. § 4101(a) (relating to fees).

(3) A diversity plan as set forth in 4 Pa.C.S. § 3307 (relating to diversity).

(4) A current tax lien certificate issued by the Department.

(5) An application for each proposed key employee under Chapter 1105a (relating to key employees) and principal under Chapter 1104a (relating to principals) as specified in the Enterprise Entity Application and Disclosure Information Form.

(6) A statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of 4 Pa.C.S. § 4305 (relating to political influence) and a copy of the safeguards and policies.

(7) Details of any loans or other financial commitments to fund license costs and costs of operating video gaming.

(8) Information and documentation concerning financial background and resources, as the Board or the Bureau may require, to establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant.

(9) A consent authorizing the Board to conduct a background investigation, the scope of which is to be determined by the Bureau, in its discretion consistent with 4 Pa.C.S. Part III (relating to video gaming), and a release signed by all persons subject to investigation of all information required to complete the investigation.

(10) Information concerning maintenance and operation of video gaming terminals in other jurisdictions.

(11) Proof that the applicant has or will establish a place of business in this Commonwealth.

(12) A copy of, or a detailed description of, the terms and conditions of any terminal placement agreement entered into with an establishment licensee applicant or licensee.

(13) Any other information as the Board or the Bureau may require.

(c) Upon request of the Board or the Bureau, the applicant shall cooperate and provide supplemental information in support of its application. The applicant shall provide requested documents, records, supporting data and other information within the time period specified in the request or, if a time is not specified, within 30 days of the date of the request. If the applicant fails to provide the requested information within the required time period as set forth in the request, the Board may deny the application.

(d) The application, and amendments thereto, and other specific documents designated by the Board shall be filed promptly with the application or amendments thereto.

(e) An application and related materials that have been submitted to the Board will become the property of the Board and will not be returned.

**§ 1102a.2. Terminal operator license issuance and statement of conditions.**

(a) *Criteria.* In addition to the criteria in 4 Pa.C.S. Part III (relating to video gaming), the Board will not issue a terminal operator license unless all of the following criteria have been established by the applicant:

(1) The applicant has fulfilled each condition set by the Board, including the execution of a statement of conditions.

(2) The applicant is found suitable consistent with the laws of the Commonwealth and is otherwise qualified to be issued a terminal operator license.

(b) *Statement of conditions.*

(1) The applicant, as a condition precedent to the issuance of a terminal operator license, shall execute a Statement of Conditions in the manner and form required by the Board. Execution of the Statement of Conditions constitutes the acceptance of each provision contained in the Statement of Conditions by the applicant.

(2) Failure to fully comply with any provision contained in an executed Statement of Conditions constitutes a violation and may result in Board-imposed administrative sanctions, up to and including revocation of the license.

**§ 1102a.3. Conditional terminal operator licenses.**

(a) Upon accepting a terminal operator application for filing, the Board will issue a conditional terminal operator license if requested by the applicant and the applicant has satisfied, as determined by the Board, all of the following:

(1) The applicant has submitted a completed application for a terminal operator license.

(2) The applicant has never had a similar gaming license denied or revoked in another jurisdiction.

(3) The applicant has never been convicted of a felony in any jurisdiction.

(4) The applicant has never been convicted of a gambling law violation in any jurisdiction.

(5) The applicant is current on all State taxes.

(6) The applicant attests by affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure under 4 Pa.C.S. Part III (relating to video gaming).

(b) The Board will issue a conditional terminal operator license within 60 days after the completed application has been received by the Board, and the Board has determined that the criteria in subsection (a) have been satisfied.

(c) If the Board determines that the criteria in subsection (a) have not been satisfied, the Board will give the applicant written notice and explanation of that determination.

(d) A conditional license issued under this section will be valid until:

(1) The Board approves or denies the application for a terminal operator license.

(2) The conditional license is terminated for a violation of the act or this part.

(3) One calendar year has passed since the conditional license has been issued.

(e) The Board may extend the duration of a conditional license for 1 year.

(f) A request for conditional licensure must include a \$100 fee in addition to the applicable fee required under 4 Pa.C.S. § 4101 (relating to fees).

**§ 1102a.4. Terminal operator licensee change of control.**

(a) For purposes of this section, a change of control of a terminal operator licensee will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of a terminal operator licensee's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the terminal operator licensee.

(3) Any other interest in a terminal operator licensee which allows the acquirer to control the terminal operator licensee.

(b) A terminal operator licensee shall notify the Bureau and the Bureau of Licensing in a manner prescribed by the Bureau of Licensing immediately upon becoming aware of any proposed or contemplated change of control of the terminal operator licensee.

(c) Prior to acquiring a controlling interest in a terminal operator licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition.

(2) Completed applications for the acquiring company, as required under this chapter, principals as required under Chapters 433a and 1104a (relating to principal licenses; and principals) and key employees as required under § 435a.2 (relating to key employee license) and Chapter 1105a (relating to key employees).

(d) A person or group of persons seeking to acquire a controlling interest in a terminal operator licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (c).

(e) A person or group of persons may not acquire a controlling interest in a terminal operator licensee until the petition required under subsection (c) has been approved. A person or group of persons seeking to acquire a controlling interest in a terminal operator licensee and the terminal operator may enter into an agreement of sale that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest in a terminal operator when all of the following conditions are met:

(1) The acquirer is an existing licensed terminal operator licensee.

(2) The existing licensed terminal operator licensee has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

**Chapter 1103. (Reserved)**

Sec.  
1103.1—1103.3. (Reserved).

**CHAPTER 1103a. ESTABLISHMENT LICENSEES**

Sec.  
1103a.1. Establishment licenses.  
1103a.2. Establishment principal and key employee qualification.  
1103a.3. Conditional establishment licenses.  
1103a.4. Establishment licensee change of control.

**§ 1103a.1. Establishment licenses.**

(a) A truck stop establishment in this Commonwealth seeking to offer video gaming terminals through a licensed terminal operator on its premises shall apply for an establishment license by filing a Video Gaming Terminal Establishment License Application with the Board.

(b) To be eligible to file an application for an establishment license, the truck stop establishment must meet all of the following requirements:

(1) Be equipped with diesel islands for the fueling of commercial motor vehicles and have sold on average 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months or is projected to sell an average of 50,000 gallons of diesel or biodiesel fuel each month for the next 12 months.

(2) Have at least 20 parking spaces dedicated for commercial motor vehicles. For purposes of this paragraph, “parking spaces dedicated for commercial motor vehicles” must be of sufficient size to accommodate vehicles which are 8 feet in width and 53 feet in length or which otherwise have a gross combination weight rating or gross combination weight of 26,000 pounds inclusive of a tow unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater.

(3) Have a convenience store.

(4) Be situated on a parcel of land not less than 3 acres and which is not located on property owned by the Pennsylvania Turnpike Commission.

(5) Be licensed as a lottery sales agent under section 305 of the State Lottery Law (72 P.S. § 3761-305).

(c) An applicant for an establishment license shall submit all of the following:

(1) A Video Gaming Terminal Establishment License Application.

(2) The nonrefundable application fee of \$1,000 in accordance with 4 Pa.C.S. § 4101(a) (relating to fees).

(3) Documentation to establish its eligibility to apply to be an establishment licensee as set forth in subsection (b).

(4) A to-scale schematic or architectural rendering of the floor plan of the establishment which shows all of the following:

(i) Total square footage of the video gaming area.

(ii) A depiction of the video gaming area where video gaming will be offered in relation to the overall facility.

(iii) Location of the video gaming terminals and redemption terminals, and security and surveillance equipment locations.

(iv) A detailed description of the surveillance to be utilized.

(5) A description of the proposed surveillance and security measures to ensure the security of the proposed video gaming area.

(6) An executed terminal placement agreement between the establishment licensee and terminal operator.

(7) A diversity plan as set forth in 4 Pa.C.S. § 3307 (relating to diversity).

(8) A current tax lien certificate issued by the Department.

(9) Information for each key employee qualifier and principal qualifier as specified in the Video Gaming Terminal Establishment License Application.

(10) The consent to a background investigation by the Bureau of the applicant, its principal qualifiers and key employee qualifiers or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

**§ 1103a.2. Establishment principal and key employee qualification.**

(a) In addition to the information required under § 1103a.1(c)(8) (relating to establishment licenses), a principal qualifier and key employee qualifier shall apply for qualification as follows:

(1) Submit fingerprints in a manner prescribed by the Bureau.

(2) Consent to a background investigation by the Bureau of the principal qualifier and key employee qualifier and a release to obtain the information necessary for the completion of the background investigation.

(3) Provide any other information required by the Board.

(b) In addition to individuals meeting the definition of principal qualifier and key employee qualifier, the Board may require the submission of fingerprints or any other information required by the Board from a person who holds any direct or indirect ownership or beneficial interest in a truck stop establishment, or has the right to any profits or distributions directly or indirectly, from the truck stop establishment if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(c) Each of the individuals required to submit fingerprints under subsections (a) and (b) must be found qualified by the Board. An individual who is found qualified and is also a gaming or nongaming employee as defined in §§ 401a.3 and 1101a.2 (relating to definitions) shall obtain a gaming employee occupation permit in accordance with § 435a.3 (relating to occupation permit) or a nongaming employee registration in accordance with § 435a.5 (relating to nongaming employee registration) and Chapter 1109a (relating to occupation permits) of this subpart.

**§ 1103a.3. Conditional establishment licenses.**

(a) Upon accepting an establishment license application for filing, the Board will issue a conditional establishment license if requested by the applicant and the applicant has satisfied, as determined by the Board, all of the following:

(1) The applicant has submitted a completed application for an establishment license.

(2) The applicant has never been convicted of a felony in any jurisdiction.

(3) The applicant has never been convicted of a gambling law violation in any jurisdiction.

(4) The applicant is current on all State taxes.



(5) The applicant attests by affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure under 4 Pa.C.S. Part III (relating to video gaming).

(b) The Board will issue a conditional license within 60 days after the completed application has been received by the Board, and the Board has determined that the criteria in subsection (a) have been satisfied.

(c) If the Board determines that the criteria in subsection (a) have not been satisfied, the Board will give the applicant written notice and explanation of that determination.

(d) A conditional license issued under this section will be valid until:

(1) The Board approves or denies the application for an establishment license.

(2) The conditional license is terminated for a violation of this part.

(3) One calendar year has passed since the conditional license has issued.

(e) The Board may extend the duration of a conditional license for 1 year.

(f) A request for a conditional license must include a \$100 fee which shall be in addition to the applicable fee required under 4 Pa.C.S. § 4101 (relating to fees).

#### § 1103a.4. Establishment licensee change of control.

(a) For purposes of this section, a change of control of an establishment licensee will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of an establishment licensee's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the establishment licensee.

(3) Any other interest in an establishment licensee which allows the acquirer to control the establishment licensee, including a lease agreement, management agreement, or other agreement that permits the acquirer operational control of the establishment licensee.

(b) An establishment licensee shall notify the Bureau and the Bureau of Licensing in a manner prescribed by the Bureau of Licensing immediately upon becoming aware of any proposed or contemplated change of control of the establishment licensee.

(c) Prior to acquiring a controlling interest or operational control in an establishment licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition, lease agreement or management agreement.

(2) Completed applications for the acquiring company, principal qualifiers and key employee qualifiers as required under this chapter.

(d) A person or group of persons seeking to acquire a controlling interest or operational control in an establishment licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (c).

(e) A person or group of persons may not acquire a controlling interest or operational control in an establishment licensee until the petition required under subsection (c) has been approved. A person or group of persons seeking to acquire a controlling interest in an establishment licensee and the establishment may enter into an agreement of sale, lease agreement or management agreement that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest or operational control in an establishment licensee when all of the following conditions are met:

(1) The acquirer of the controlling interest or operational control is a person or group of persons currently licensed as principal qualifier of an existing licensed establishment licensee.

(2) The person or group of persons currently licensed as principal qualifier of an existing licensed establishment licensee has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition, lease agreement or management agreement at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

#### Chapter 1104. (Reserved)

Sec.  
1104.1. (Reserved).

#### CHAPTER 1104a. PRINCIPALS

Sec.  
1104a.1. Principal licenses.  
1104a.2. Conditional procurement agent principal licenses.

#### § 1104a.1. Principal licenses.

(a) A principal as defined in this subpart shall apply for licensure as a principal in accordance with § 433a.8 (relating to principal applications).

(b) In addition to information required under § 433a.8, an individual required to be licensed as a principal, unless otherwise directed by the Board, shall file all of the following:

(1) Verification of status as a principal from a terminal operator licensee, a manufacturer licensee or supplier licensee.

(2) A description of responsibilities as a principal.

(3) Details relating to a similar license, permit or other authorization obtained in another jurisdiction.

(4) The consent to a background investigation by the Bureau of the principal applicant and a release to obtain the information necessary for the completion of the background investigation.

(5) Other information required by the Board.

(c) Following review of the application and background investigation, the Board may issue a principal license if the applicant has proven by clear and convincing evidence that the applicant is a person of good character, honesty and integrity, and is eligible and suitable to be licensed as a principal.

(d) A principal license is not transferable.

(e) A temporary credential, which may be valid up to 270 days, may be issued by the Board to a principal applicant if the Board determines additional time is needed to complete an investigation for licensure.



**§ 1104a.2. Conditional procurement agent principal licenses.**

(a) Upon accepting a procurement agent's principal application for filing, the Board will issue a conditional procurement agent principal license if requested by the applicant and the applicant has satisfied, as determined by the Board, all of the following:

- (1) The applicant has submitted a completed application for a principal license.
- (2) The applicant has never had a similar gaming license denied or revoked in another jurisdiction.
- (3) The applicant has never been convicted of a felony in any jurisdiction.
- (4) The applicant has never been convicted of a gambling law violation in any jurisdiction.
- (5) The applicant is current on all State taxes.
- (6) The applicant attests by affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure under 4 Pa.C.S. Part III (relating to video gaming).

(b) The Board will issue a conditional procurement agent principal license within 60 days after the completed application has been received by the Board, and the Board has determined that the criteria in subsection (a) have been satisfied.

(c) If the Board determines that the criteria in subsection (a) have not been satisfied, the Board will give the applicant written notice and explanation of that determination.

(d) A conditional license issued under this section will be valid until:

- (1) The Board approves or denies the application for a procurement agent's principal license.
- (2) The conditional license is terminated for a violation of the act or this part.
- (3) One calendar year has passed since the conditional license has been issued.
- (e) The Board may extend the duration of a conditional license for 1 year.
- (f) A request for conditional licensure must include a \$100 fee in addition to the applicable fee required under 4 Pa.C.S. § 4101 (relating to fees).

**Chapter 1105. (Reserved)**

Sec. 1105.1. (Reserved).

**CHAPTER 1105a. KEY EMPLOYEES**

Sec. 1105a.1. Key employee licenses.

**§ 1105a.1. Key employee licenses.**

(a) A key employee as defined in this subpart shall apply for licensure as a key employee in accordance with § 435a.2 (relating to key employee license).

(b) In addition to information required under § 435a.2, an individual required to be licensed as a key employee, unless otherwise directed by the Board, shall file all of the following:

- (1) Verification of status as a key employee from a terminal operator licensee, an establishment licensee, manufacturer licensee or supplier licensee.
- (2) A description of employment responsibilities.

(3) The consent to a background investigation by the Bureau of the applicant, and a release to obtain the information necessary for the completion of the background investigation, including information from governmental agencies, employers and other organizations.

(4) Details relating to a similar license or other authorization obtained in another jurisdiction.

(5) Other information required by the Board.

(c) Following review of the application and background investigation, the Board may issue a key employee license if the applicant has proven by clear and convincing evidence that the applicant is a person of good character, honesty and integrity and is eligible and suitable to be licensed as a key employee.

(d) A key employee license is not transferable.

(e) A temporary credential, which may be valid up to 270 days, may be issued by the Board to a key employee applicant if the Board determines additional time is needed to complete an investigation for licensure.

(f) An individual may not perform duties associated with a position that requires a key employee license prior to receiving a temporary or permanent credential unless otherwise authorized by the Board.

**Chapter 1106. (Reserved)**

Sec. 1106.1. (Reserved).

**CHAPTER 1106a. SUPPLIERS**

Sec. 1106a.1. Supplier licenses.

**§ 1106a.1. Supplier licenses.**

(a) *Application for licensure.* A supplier as defined in this subpart shall apply for licensure in accordance with § 431a.2 (relating to supplier license applications and standards).

(1) A supplier filing an application for licensure under this chapter shall not be required to file a diversity plan as set forth in § 431a.2(a)(3).

(b) *Submittals.* In addition to the information submitted under § 431a.2, an applicant for a supplier license shall submit all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies, the principals and key employees of each business, and a list of employees and their positions within each business, as well as financial information required by the Board.

(2) A statement that the applicant and each affiliate, intermediary, subsidiary or holding company of the applicant are not terminal operator licensees or establishment licensees.

(3) Proof that the applicant has or will establish a place of business in this Commonwealth. A supplier licensee shall maintain a place of business in this Commonwealth to remain eligible for licensure.

(4) The consent to a background investigation by the Bureau of the applicant, its principals and key employees or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

(5) The details of any supplier license issued by the Board to the applicant under section 1317 of the act (relating to supplier licenses) and details of any application for a supplier license that was denied by the board, if applicable.

(6) The details of any equivalent license granted or denied by other jurisdictions where gaming activities similar to those authorized by the act or this part are permitted.

(7) The type of products and services to be supplied and whether those products and services will be provided through purchase, lease, contract or otherwise.

(8) Other information determined by the Board to be appropriate.

(c) *Approval and issuance of license.* Upon being satisfied that the requirements in subsections (a) and (b) have been met, the Board may approve the application and issue the applicant a supplier license consistent with all of the following:

(1) A licensee shall have an affirmative duty to notify the Board of a change relating to the status of its license or to information in the application materials on file with the Board.

(2) The license is nontransferable.

(3) Other conditions established by the Board.

(d) *Considerations.* In determining whether an applicant is suitable to be licensed as a supplier under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals and key employees of the applicant are eligible and suitable for licensure.

(3) The integrity of financial backers.

(4) The suitability of the applicant and principals and key employees of the applicant based on the satisfactory results of:

(i) A background investigation of the applicant and its principals and key employees.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

(e) *Submittal of agreements.* A supplier shall submit to the Bureau of Licensing for review any agreements with a licensed manufacturer or with a terminal operator licensee. The review may include financing arrangements, inventory requirements, warehouse requirements, warehouse space, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the supplier licensee from any licensed manufacturer or terminal operator.

(f) *Occupation permit or nongaming registration.* An employee of a supplier licensee who is a gaming employee or nongaming employee as defined in § 1101a.2 (relating to definitions) shall obtain an occupation permit under § 1109a.1 (relating to gaming employee occupation permits) or a nongaming registration under § 1109a.2 (relating to nongaming employee registrations).

(g) *Change of control of a supplier licensee.*

(1) For purposes of this subsection, a change of control of a supplier licensee will be deemed to have occurred when a person or group of persons acquires:

(i) More than 20% of a supplier licensee's securities, assets or other ownership interests.

(ii) More than 20% of the securities or other ownership interests of a corporation or other form of business entity

that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the supplier licensee.

(iii) Any other interest in a supplier licensee which allows the acquirer to control the supplier licensee.

(2) A supplier licensee shall notify the Bureau and the Bureau of Licensing in a manner prescribed by the Bureau of Licensing immediately upon becoming aware of any proposed or contemplated change of control of the supplier licensee.

(3) Prior to acquiring a controlling interest in a supplier licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(i) A copy of all documents governing the acquisition.

(ii) Completed applications for the acquiring company, as required under this chapter, principals as required under § 1104a.1 (relating to principal licenses) and key employees as required under § 1105a.1 (relating to key employee licenses).

(iii) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a terminal operator licensee or establishment licensee.

(4) A person or group of persons seeking to acquire a controlling interest in a supplier licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under this subsection.

(5) A person or group of persons may not acquire a controlling interest in a supplier licensee until the petition required under this subsection, has been approved. A person or group of persons seeking to acquire a controlling interest in a supplier licensee and the supplier licensee may enter into a sales agreement that is contingent on Board approval of the petition.

(6) The requirements in this section do not apply to the acquisition of a controlling interest in a supplier licensee when all of the following conditions are met:

(i) The acquirer is an existing licensed supplier licensee.

(ii) The existing licensed supplier licensee has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(iii) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

#### Chapter 1107. (Reserved)

Sec.  
1107.1. (Reserved).

#### CHAPTER 1107a. MANUFACTURERS

Sec.  
1107a.1. Manufacturer licenses.

##### § 1107a.1. Manufacturer licenses.

(a) *Application for licensure.* A manufacturer as defined in this subpart who seeks to manufacture video gaming terminals, redemption terminals and associated equipment for use in this Commonwealth shall apply for licensure in accordance with §§ 427a.1 and 427a.2 (relating to manufacturer general requirements; and manufacturer license applications and standards).

(1) A manufacturer filing an application for licensure under this chapter shall not be required to file a diversity plan as set forth in § 427a.2(a)(3).

(b) *Submittals.* In addition to the information submitted under § 427a.2 an applicant shall include all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies, the principals and key employees of each business, and a list of employees and their positions within each business, as well as financial information required by the Board.

(2) A statement that the applicant and each affiliate, intermediary, subsidiary or holding company of the applicant are not terminal operator licensees or establishment licensees.

(3) The consent to a background investigation by the Bureau of the applicant, its principals and key employees or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

(4) The details of any equivalent manufacturer license granted or denied by other jurisdictions where gaming activities similar to those authorized by this part are permitted.

(5) The details of any manufacturer license issued by the Board to the applicant under section 1317.1 of the act (relating to manufacturer licenses) or details of any application for a manufacturer license that was denied by the Board, if applicable.

(6) The type of video gaming terminals, redemption terminals or associated equipment to be manufactured or repaired.

(7) Other information determined by the Board or the Bureau to be appropriate.

(c) *Approval and issuance of license.* Upon being satisfied that the requirements in subsections (a) and (b) have been met, the Board may approve the application and issue the applicant a manufacturer license consistent with all of the following:

(1) A licensee shall have an affirmative duty to notify the Board of a change relating to the status of its license or to information in the application materials on file with the Board.

(2) The license shall be nontransferable.

(3) Other conditions established by the Board.

(d) *Considerations.* In determining whether an applicant is suitable to be licensed as a manufacturer under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals and key employees of the applicant are eligible and suitable for licensure.

(3) The integrity of financial backers.

(4) The suitability of the applicant and principals and key employees of the applicant based on the satisfactory results of:

(i) A background investigation of principals and key employees.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

(e) *Submittal of agreements.* A manufacturer shall submit to the Bureau of Licensing for review any agreements with a licensed supplier, terminal operator or establishment licensee. The review may include financing arrangements, inventory requirements, warehouse requirements, warehouse space, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the licensed manufacturer from any licensed supplier, terminal operator or establishment licensee.

(f) *Occupation permit or nongaming registration.* An employee of a manufacturer licensee who is a gaming employee or nongaming employee as defined in § 1101a.2 (relating to definitions) shall obtain an occupation permit under § 1109a.1 (relating to gaming employee occupation permits) or a nongaming registration under § 1109a.2 (relating to nongaming employee registrations).

(g) *Change of control of a manufacturer licensee.*

(1) For purposes of this subsection, a change of control of a manufacturer licensee will be deemed to have occurred when a person or group of persons acquires:

(i) More than 20% of a manufacturer licensee's securities, assets or other ownership interests.

(ii) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the manufacturer licensee.

(iii) Any other interest in a manufacturer licensee which allows the acquirer to control the manufacturer licensee.

(2) A manufacturer licensee shall notify the Bureau and the Bureau of Licensing in a manner prescribed by the Bureau of Licensing immediately upon becoming aware of any proposed or contemplated change of control of the manufacturer licensee.

(3) Prior to acquiring a controlling interest in a manufacturer licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(i) A copy of all documents governing the acquisition.

(ii) Completed applications for the acquiring company, as required under this chapter, principals as required under Chapter 433a (relating to principal licenses) and key employees as required under § 435a.2 (relating to key employee license).

(iii) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a terminal operator licensee or establishment licensee and that the acquirer has neither applied for nor holds a terminal operator license or establishment license.

(4) A person or group of persons seeking to acquire a controlling interest in a manufacturer licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (a).

(5) A person or group of persons may not acquire a controlling interest in a manufacturer licensee until the



petition required under subsection (g) has been approved. A person or group of persons seeking to acquire a controlling interest in a manufacturer licensee and the manufacturer licensee may enter into an agreement of sale that is contingent on Board approval of the petition.

(6) The requirements in this section do not apply to the acquisition of a controlling interest in a manufacturer licensee when all of the following conditions are met:

(i) The acquirer is an existing licensed manufacturer licensee.

(ii) The existing licensed manufacturer licensee has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(iii) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

### Chapter 1108. (Reserved)

Sec.

1108.1—1108.3. (Reserved).

### CHAPTER 1108a. GAMING SERVICE PROVIDERS

Sec.

1108a.1. Gaming service providers.

1108a.2. Interim authorization.

1108a.3. Emergency gaming service provider.

#### § 1108a.1. Gaming service providers.

(a) A gaming service provider providing goods or services to a terminal operator licensee that directly relates to the operation and security of a video gaming terminal or redemption terminal shall apply to the Board to be registered as a gaming service provider.

(b) A gaming service provider seeking registration shall complete a Gaming Service Provider Registration Form. The original copy and the fee toward the cost of the investigation of the applicant posted on the Board's web site shall be submitted to the Bureau of Licensing by the terminal operator applicant or licensee for whom the gaming service provider will provide goods or services unless otherwise directed by the Bureau of Licensing.

(c) In addition to the materials required under subsection (b), an applicant for a gaming service provider registration shall do all of the following:

(1) Submit the nonrefundable application fee posted on the Board's web site.

(2) Submit fingerprints of the following individuals in a manner prescribed by the Bureau:

(i) Each officer and director of the registered gaming service provider applicant. For purposes of this paragraph, "officer" means a president, a chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the registered gaming service provider applicant.

(iii) Each salesperson of a registered gaming service provider applicant who solicits business from, or has regular contact with, any representatives of a terminal operator applicant or licensee.

(d) A person who holds any direct or indirect ownership or beneficial interest in a registered gaming service provider or applicant for gaming service provider registration, or has the right to any profits or distributions

directly or indirectly, from the registered gaming service provider or applicant for gaming service provider registration may be required to submit fingerprints if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(e) Each of the individuals required to submit fingerprints under subsection (b)(2) must be found qualified by the Board.

(f) A gaming service provider registration will not be issued until all fees and costs have been paid.

#### § 1108a.2. Interim authorization.

(a) Notwithstanding § 1108a.1 (relating to gaming service providers), the Bureau of Licensing may authorize an applicant for a gaming service provider registration to conduct business with a terminal operator applicant or licensee prior to the registration of the gaming service provider applicant if all of the following criteria are met:

(1) A completed Gaming Service Provider Registration application has been filed by the gaming service provider.

(2) The terminal operator applicant or licensee contracting or doing business with the gaming service provider certifies that it has performed due diligence on the gaming service provider and believes that the applicant meets the qualification to be a gaming service provider under 4 Pa.C.S. Part III (relating to video gaming) and § 1108a.1.

(3) The applicant for gaming service provider registration agrees, in writing, that the grant of interim authorization to conduct business prior to Board approval of registration does not create a right to continue to conduct business if the Board determines that the applicant is not suitable or continued authorization is not in the public interest.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for registration, the Bureau of Licensing may rescind the permission granted to the applicant to conduct business with a terminal operator applicant or licensee under subsection (a). If the permission is rescinded, the applicant for registration shall cease conducting business with the terminal operator applicant or licensee by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant and the terminal operator applicant or licensee by registered and electronic mail that permission to conduct business with the terminal operator applicant or licensee under subsection (a) has been rescinded and that the terminal operator applicant or licensee shall cease conducting business with the applicant by the date specified in the notice.

#### § 1108a.3. Emergency gaming service provider.

(a) A terminal operator licensee may utilize a gaming service provider that is not registered when a threat to public health, welfare or safety exists, or circumstances outside the control of the terminal operator licensee require immediate action to mitigate damage or loss to the licensee's video gaming terminals.

(b) When using a gaming service provider that is not registered to conduct business to respond to an emergency, the terminal operator licensee shall do all of the following:



(1) Immediately notify the Board's Bureau of Casino Compliance and Bureau of Licensing of the emergency and the gaming service provider that was selected to provide emergency services.

(2) File a Gaming Service Provider Emergency Notification Form with the Bureau of Licensing within 72 hours after commencement of the gaming service provider's services and a written explanation of the basis for the procurement of the emergency gaming service provider.

(c) If the terminal operator licensee continues to utilize the gaming service provider after the emergency circumstances have passed or if the Bureau of Licensing determines that the circumstances did not necessitate the use of an emergency gaming service provider, the gaming service provider shall comply with the requirements in this chapter.

**Chapter 1109. (Reserved)**

- Sec. 1109.1. (Reserved).
- 1109.2. (Reserved).

**CHAPTER 1109a. OCCUPATION PERMITS**

- Sec. 1109a.1. Gaming employee occupation permits.
- 1109a.2. Nongaming employee registrations.

**§ 1109a.1. Gaming employee occupation permits.**

(a) A gaming employee as defined in this subpart shall apply for an occupation permit in accordance with § 435a.3 (relating to occupation permit).

(b) In addition to the requirements in subsection (a), a gaming employee applying for an occupation permit shall submit all of the following:

(1) Verification of an offer of employment from, or employment by a terminal operator licensee, an establishment licensee, a manufacturer licensee, a supplier licensee or a gaming service provider and the nature and scope of the proposed duties of the person.

(2) The previous employment history of the person.

(3) The details of an occupation permit or similar license granted or denied to the applicant in other jurisdictions.

(4) A current photograph of the person.

(5) The criminal history record of the person, as well as the person's consent for the Bureau to conduct a background investigation.

(6) Other information as determined by the Board.

(c) After reviewing the application and the results of the applicant's background investigation, the Board may issue a gaming employee occupation permit if the individual has proven that he is a person of good character, honesty and integrity, and is eligible and suitable to hold an occupation permit.

**§ 1109a.2. Nongaming employee registrations.**

A person who is employed by an terminal operator licensee, establishment licensee, manufacturer, supplier or gaming service provider and whose duties do not involve monitoring a video gaming area or the conduct of video gaming may be required to apply for a nongaming employee registration in accordance with § 435a.5 (relating to nongaming employee registration) if the Board or the Bureau of Licensing determines that submitting an application and obtaining a registration is required to ensure the integrity of video gaming in this Commonwealth.

**Chapter 1110. (Reserved)**

- Sec. 1110.1—1110.4. (Reserved).

**CHAPTER 1110a. APPLICATIONS GENERALLY**

- Sec. 1110a.1. Preliminary application submission review.
- 1110a.2. Application processing.
- 1110a.3. Deficient and abandoned applications.
- 1110a.4. Application withdrawal.

**§ 1110a.1. Preliminary application submission review.**

(a) Upon receipt, an application will be reviewed to ensure that it contains all of the following:

(1) The applicable application forms and additional information and accompanying documentation required by 4 Pa.C.S. Part III (relating to video gaming) or the Board.

(2) Completed authorization forms, if required, for release of information from governmental agencies and other entities.

(b) If an applicant fails to include any required information, the applicant will be notified and given an opportunity to cure the deficiency.

**§ 1110a.2. Application processing.**

(a) Upon a determination that the prerequisites for filing have been met, the application will be accepted for filing and Board staff, if applicable, will:

(1) Obtain information as may be necessary to determine the qualifications of the applicant and any matter relating to the application.

(2) Promptly conduct an investigation of the applicant and on any matter relating to the application.

(3) Request the Department to promptly conduct a tax clearance review.

(4) Request the Department of Labor and Industry to perform an Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review on any entity.

(5) Request any agencies, entities or persons to provide information to the Board as deemed necessary by the Board.

(b) An application submitted under this part and information obtained by Board staff relating to the application will be part of the evidentiary record to be utilized by the Board when deciding to approve, condition, issue or deny a license.

(c) An application and related materials that have been submitted to the Board will become the property of the Board and will not be returned to the applicant.

**§ 1110a.3. Deficient and abandoned applications.**

(a) If an application is found to be deficient, Board staff will notify the applicant of the deficiencies in the application and provide an opportunity for the applicant to cure the deficiencies within a specified time period.

(b) Failure to provide the information necessary to cure the deficiencies required under subsection (a) may result in the denial of the application or in the application being declared abandoned by the Bureau of Licensing under § 423a.4 (relating to deficient and abandoned applications).

(c) When an application is denied or declared abandoned under subsection (b), the applicant will be given written notice of this action.

**§ 1110a.4. Application withdrawal.**

A request for withdrawal of an application may be made at any time prior to the Board taking action by petition filed with the Office of Hearings and Appeals.

**Chapter 1111. (Reserved)**

Sec.  
1111.1. (Reserved).

**CHAPTER 1111a. LICENSE TERMS AND RENEWALS**

Sec.  
1111a.1. Terms and renewals.

**§ 1111a.1. Terms and renewals.**

(a) All licenses, permits and registrations issued under this part will be for a term of 5 years from the date of approval.

(b) An application for renewal of an establishment license shall be submitted at least 6 months prior to the expiration of the license and must include an update of all information in the initial application and any prior renewal applications and any renewal fee.

(c) Except for renewal applications submitted under subsection (b), applications for renewal shall be submitted to the Board at least 180 days prior to the expiration of the license, permit or registration and must include an update of all information in the initial application and any prior renewal applications and the payment of any renewal fee.

(d) A license, permit or registration for which an application for renewal has been timely filed will continue in effect until the Board acts upon the application for renewal.

**Chapter 1112. (Reserved)**

Sec.  
1112.1—1112.17. (Reserved).

**CHAPTER 1112a. VIDEO GAMING TERMINAL, REDEMPTION TERMINAL AND ASSOCIATED EQUIPMENT TESTING AND CERTIFICATION**

Sec.  
1112a.1. Definitions.  
1112a.2. Protocol requirements.  
1112a.3. Testing and approval generally.  
1112a.4. Submission for testing and approval.  
1112a.5. Video gaming terminal conversions.  
1112a.6. Revocations and additional conditions.  
1112a.7. Video gaming terminal minimum design standards.  
1112a.8. Gaming vouchers.  
1112a.9. Redemption terminals.  
1112a.10. Progressive video gaming terminals.  
1112a.11. Video gaming terminal monitoring systems.  
1112a.12. Remote system access.  
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**§ 1112a.1. Definitions.**

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

*Asset number*—A unique number assigned to a video gaming terminal by a terminal operator for the purpose of tracking the video gaming terminal, while owned or leased by the terminal operator.

*Bill validator*—An electronic device designed to interface with a video gaming terminal for the purpose of accepting and validating any combination of United States currency, gaming vouchers, coupons or other in-

struments authorized by the Board for incrementing credits on a video gaming terminal.

*Conversion*—A change or alteration to a video gaming terminal that does not affect the manner or mode of play or operation of the video gaming terminal.

*Currency cassette*—A container that holds banknotes that are available for dispensing.

*Finance department*—The department that is responsible for the management of the financial and accounting activities relating to video gaming terminals being utilized in a licensed establishment.

*Gaming day*—The period of time from 6 a.m. to 5:59 a.m. the following calendar day, corresponding to the beginning and ending times of gaming activities for the purpose of accounting reports and determination of gross terminal revenue.

*Gaming voucher*—An instrument that upon insertion into a bill validator entitles the patron inserting the gaming voucher to cashable credits on a video gaming terminal corresponding to the value printed on the gaming voucher.

*Gaming voucher system*—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of gaming vouchers and the redemption of gaming vouchers by video gaming terminals and automated gaming voucher redemption terminals.

*Machine displayed payout percentage*—The selectable payout percentage that is set by the terminal operator during the initial configuration or a subsequent reconfiguration of a video gaming terminal and is displayed in the video gaming terminal's service menu during normal operation.

*Minimum payout percentage*—The lowest aggregate awards expected to be paid out over one cycle of the game divided by the total number of combinations in the cycle of the game.

*Modification*—

(i) A change or alteration in a video gaming terminal or associated equipment that affects the manner or mode of play or operation of the video gaming terminal or associated equipment.

(ii) The term includes a change to control or graphics programs and to the theoretical hold percentage.

(iii) In the case of video gaming terminals, the term does not include:

(A) A conversion.

(B) Replacement of one approved component with an identical component.

(iv) In the case of a progressive system, the term includes a change in:

(A) A system name or theme.

(B) The odds to win the progressive payout.

(C) The reset amount.

(D) The rate at which a progressive award increases.

(E) The wager necessary to win the progressive payout.

*Paytable*—A selectable part of a video gaming terminal program that contains video gaming terminal characteristics including the theoretical payout percentage, reel strips and awards.

*Progressive awards*—The award to be paid out when the event in the progressive game that triggered the award occurs.

*Progressive controller*—A program or computer system, other than an approved program that controls the operation of the video gaming terminal, which controls, adjusts and displays the amount of the progressive jackpot.

*Progressive payout*—A video gaming terminal payout that increases in a monetary amount based on the amounts wagered in a progressive system.

*Progressive video gaming terminal*—A video gaming terminal that offers a jackpot that may increase in value based upon the video gaming terminal wagers placed.

*Pseudo random number generator*—Software or hardware, or both, that ensures the randomness of video gaming terminal outcomes.

*RAM*—Random access memory.

*RAM clear*—A process initiated by a service technician that results in the zeroing out of any meter information, configuration information or data stored in the memory of a video gaming terminal.

*Randomness*—The observed unpredictability and absence of pattern in a set of elements or events that have definite probabilities of occurrence.

*Reel strips*—Components of a video gaming terminal which display symbols.

*Related systems*—Systems which interface with video gaming terminals.

*Remote system access*—Connectivity to terminal operator systems from outside the terminal operator's network.

*Reset amount*—The award value that a progressive award reverts to after the progressive award is paid out.

*Server supported video gaming terminal system*—One or more video gaming terminals connected to a video gaming terminal server and an associated computer network.

*Theme*—A concept, subject matter and methodology of design of a video gaming terminal.

*Theoretical payout percentage*—The aggregate awards expected to be paid out over one cycle of the game divided by the total number of combinations in the cycle of the game.

*Unredeemed gaming voucher*—A gaming voucher that has not been redeemed in a ticket redemption unit or a video gaming voucher that has been found and returned to an establishment licensee.

*Video gaming terminal bill validator*—A component made up of software and hardware that accepts and reads instruments such as bills or vouchers into gaming devices such as video gaming terminals and automated gaming voucher redemption terminals.

*Video gaming terminal monitoring system*—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to activity at video gaming terminals, inclusive of video gaming terminal meter readings, error conditions, video gaming terminal security, accounting, player tracking and productivity analysis.

*Video gaming terminal operations department*—The department of a terminal operator that is responsible for all operations in any truck stop establishment where video gaming terminals are kept.

*Video gaming terminal server*—A computer configured to receive, store, authenticate and download to video gaming terminals, Board-approved video gaming terminal game themes and other approved software.

*Video gaming terminal system operator*—The persons designated in a video gaming terminal system agreement as being responsible for the operation and administration of a wide area progressive system.

*Wager*—Placing at risk in a video gaming terminal a bill or video gaming voucher.

**§ 1112a.2. Protocol requirements.**

In accordance with 4 Pa.C.S. §§ 3309 and 3518 (relating to central control computer system; and video gaming accounting controls and audits), manufacturer licensees, supplier licensees and terminal operators are required to ensure all video gaming terminals are enabled to communicate with the Department's central control computer for the purpose of transmitting auditing program information and activating and disabling video gaming terminals.

**§ 1112a.3. Testing and approval generally.**

(a) In accordance with 4 Pa.C.S. § 3701 (relating to testing and certification of terminals), video gaming terminals and redemption terminals and associated equipment operated in this Commonwealth shall be tested and approved in accordance with § 1112a.4 (relating to submission for testing and approval).

(b) The fees for testing and certification of video gaming terminals, redemption terminals and associated equipment at the Board's testing facility shall be paid by each manufacturer licensee on a quarterly basis based upon the time spent testing and certifying each manufacturer's number of products reviewed according to a fee schedule adopted by the Board.

(c) The Board will require payment of all costs for the testing and approval of video gaming terminals and redemption terminals and associated equipment submitted by manufacturers or gaming related gaming service providers or installed at an establishment licensee's facility based on the actual direct costs incurred by the Board.

(d) The Board will require a manufacturer licensee seeking approval of a video gaming terminal and redemption terminal and associated equipment to pay all costs of transportation, inspection and testing.

**§ 1112a.4. Submission for testing and approval.**

(a) A video gaming terminal, redemption terminal and associated equipment identified in subsection (c) (collectively referred to as "products" or "equipment, device or software"), or a modification thereto, may not be offered for sale, lease or distribution for ultimate use by a manufacturer or supplier licensee in this Commonwealth unless a prototype identical in all mechanical, electrical, electronic and other respects has been tested by the Bureau of Gaming Laboratory Operations and approved by the Board's Executive Director.

(b) When an applicant for, or holder of a terminal operator license develops software or a system that is functionally equivalent to any of the video gaming system enumerated in subsection (c), that software or system is subject to the testing and approval process of this subpart to the same extent as if the software or system were developed by an applicant for, or holder of, a manufacturer license. A reference in this subpart to the responsibilities of a manufacturer applies to an applicant for, or holder of, a terminal operator license developing software or systems subject to testing and approval under this subpart.



(c) For the purposes of this section, video gaming terminals, redemption terminals and associated equipment that shall be submitted for testing and approval include all of the following:

(1) Video gaming terminals, including bill validators and printers.

(2) Video gaming monitoring systems, to the extent the systems interface with video gaming terminals and related systems.

(3) Progressive systems, including wide area progressive systems.

(4) Gaming voucher systems.

(5) Machines performing gaming voucher payout transactions.

(6) Other related systems.

(d) Video gaming terminal prototypes and modifications thereto, which are subject to testing and approval under this section, will be evaluated by the Bureau of Gaming Laboratory Operations for overall operational integrity and compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. In addition, with regard to any video gaming terminal or modification thereto, the Bureau of Gaming Laboratory Operations will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation, and disabling of slot machines and fully automated electronic gaming tables.

(e) The Bureau of Gaming Laboratory Operations may prescribe a standard product submission checklist, together with supplemental product specific submission checklists for completion by an applicant for, or holder of, a manufacturer license, to facilitate the examination and analysis of a prototype or modification.

(f) The Board may require the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the product submitted to attest that the product was properly and completely tested by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations.

(g) When an applicant for, or holder of, a manufacturer license seeks Board approval of a video gaming terminal prototype, associated equipment prototype or any modification thereto as described in subsection (c), the manufacturer shall submit to the Bureau of Gaming Laboratory Operations all of the following:

(1) A prototype of the equipment, device or software accompanied by a written request for testing and approval. The manufacturer shall transport the equipment, device or software at its own expense and deliver it to the Bureau of Gaming Laboratory Operations in accordance with provided instructions.

(2) Certifications required under subsection (f) providing assurances from the manufacturer that the product was properly and completely tested and emulated by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations and that the product, device or software complies with 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the

Board's web site, including applicable requirements related to the central control computer.

(3) An executed copy of a current product submission checklist and any product specific supplemental submission checklists applicable to the submitted equipment, device or software.

(4) A complete, comprehensive and technically accurate description of the equipment, device or software, accompanied by applicable diagrams, schematics and specifications, together with documentation with regard to the manner in which the product was tested and emulated by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations.

(5) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Bureau of Gaming Laboratory Operations to conduct the testing and approval process contemplated by 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(6) In the case of a video gaming terminal prototype, all of the following additional information:

(i) A copy of all executable software, including data and graphics information, on electronically readable, unalterable media.

(ii) A copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in a video gaming terminal on electronically readable, unalterable media.

(iii) A copy of all graphical images displayed on the video gaming terminal, including reel strips, rules, instructions and paytables.

(iv) A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(v) Hardware block diagrams of the major subsystems.

(vi) A complete set of schematics for all subsystems.

(vii) A wiring harness connection diagram.

(viii) A technical and an operator manual.

(ix) A description of security methodologies incorporated into the design of the video gaming terminal, including, when applicable, encryption methodology for all alterable media, auto-authentication of software and recovery capability of the video gaming terminal for power interruption.

(x) For meters required by this subpart or technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site, a cross-reference of product meters to the required meters, if necessary.

(xi) A description of error conditions and the corresponding action required by the operator.

(xii) A description of the use and function of available dip switch settings or configurable options.

(xiii) A description of the pseudo random number generator or generators used to determine game outcome, including a detailed explanation of operational methodology, and a description of the manner by which the pseudo random number generator and random number selection



process is impervious to outside influences, interference from electro-magnetic, electrostatic and radio frequencies, and influence from ancillary equipment by means of data communications. Test results in support of representations shall be submitted. For the purposes of this subparagraph, "game outcome" means the results of a wager.

(xiv) Specialized hardware, software or testing equipment, inclusive of technical support and maintenance, needed to complete the evaluation, which may include an emulator for a specified microprocessor, personal computers, extender cables for CPU boards, target reel strips and door defeats. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xv) A compiler, or reasonable access to a compiler, for the purpose of building applicable code modules.

(xvi) Program storage media including EPROMs, EEPROMs and any type of alterable media for video gaming terminals.

(xvii) Technical specifications for any microprocessor or microcontroller.

(xviii) A complete, comprehensive and technically accurate description of the manner in which the video gaming terminals were tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of video gaming terminals.

(xix) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the video gaming terminals.

(7) In the case of a modification to a video gaming terminal prototype, including a change in theme, all of the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the video gaming terminals prototype, accompanied by applicable diagrams, schematics and specifications.

(ii) When a change in theme is involved, a copy of the graphical images displayed on the video gaming terminals including reel strips, rules, instructions and paytables.

(iii) When a change in the manner in which the theoretical payout percentage is achieved is involved, a mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(iv) A complete, comprehensive and technically accurate description of the manner in which the video gaming terminals were tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of video gaming terminals.

(v) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the modification of the video gaming terminals.

(8) In the case of a video gaming terminals monitoring system or automated gaming voucher machine, or any

other equipment or system required to be tested and approved under subsection (c), all of the following:

(i) A technical and an operator manual.

(ii) A description of security methodologies incorporated into the design of the machine to include, when applicable, password protection, encryption methodology and its application, auto-authentication, network redundancy, back-up and recovery procedures.

(iii) A complete schematic or network diagram of the machine's major components accompanied by a description of each component's functionality and a software object report. The description must disclose the functions performed by each component.

(iv) A description of the data flow, in narrative and in schematic form, including specifics with regard to data cabling.

(v) A list of computer operating systems and third-party software incorporated into the system together with a description of their interoperability.

(vi) System software and hardware installation procedures.

(vii) A list of available system reports.

(viii) When applicable, features for each machine which may include employee card functions, reconciliation procedures and patron services.

(ix) A description of the interoperability testing including test results for each submitted machine's connection to, as applicable, computerized systems for counting money and vouchers. This list must identify the tested products by manufacturer, model and software identification and version number.

(x) A narrative describing the method used to authenticate software.

(xi) All source code.

(xii) A complete, comprehensive and accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a voucher and the redemption options available.

(xiii) Any specialized hardware, software or other equipment, inclusive of technical support and maintenance applicable thereto, required by the Bureau of Gaming Laboratory Operations to conduct the testing and approval process contemplated by 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xiv) Additional documentation requested by the Board related to the equipment or system being tested.

(9) In the case of a modification to any of the systems identified in paragraph (8), all of the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the machine, accompanied by applicable diagrams, schematics and specifications.

(ii) A brief narrative disclosing the purpose for the modification.

(iii) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the modification.

(h) At the conclusion of testing of a prototype or modification by the Bureau of Gaming Laboratory Operations, but prior to a decision to approve a prototype or modification, the Board's Executive Director may require a trial period of scope and duration as he deems appropriate to assess the operation of the prototype or modification in a live gaming environment. The conduct of the trial period is subject to compliance by the licensed manufacturer, applicable licensed suppliers, gaming service provider and the terminal operator with specific terms and conditions as may be required by the Board's Executive Director, which may include development and implementation of product specific accounting and internal controls, periodic data reporting to the Board's Executive Director and compliance with technical standards on trial periods or the prototype or modification adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The Board's Executive Director may authorize the receipt of compensation by a licensed manufacturer, licensed supplier or gaming service provider during the trial period. The Board's Executive Director may terminate the trial period if he determines that the licensed manufacturer, licensed suppliers, gaming service provider or terminal operator conducting the trial period has not complied with the terms and conditions required by the Board's Executive Director or that the product is not performing as expected.

(i) At the conclusion of testing of a prototype or modification, the Bureau of Gaming Laboratory Operations will report to the Board's Executive Director the results of its testing. Upon receipt of the Bureau of Gaming Laboratory Operations' report, the Board's Executive Director will:

(1) Approve, approve with conditions or reject the submitted prototype or modification.

(2) Require additional testing or a trial period under subsection (h).

(j) The Board's Executive Director approval of a prototype or modification does not constitute a guarantee of the prototype's or modification's safety.

(k) A terminal operator is prohibited from installing in an establishment licensee's facility a video gaming terminal or associated equipment, or modification thereto, that is required to be tested unless the equipment, device or software has been approved by the Board's Executive Director. A terminal operator may not modify, alter or tamper with an approved video gaming terminal or associated equipment. A video gaming terminal or associated equipment installed in an establishment licensee's facility in contravention of this requirement will be subject to seizure by the Board.

(l) Notwithstanding subsection (k), the Board's Executive Director may authorize installation of a modification to a video gaming terminal prototype, or associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer. The request must expressly detail the name and employer of any persons to be involved in the installation of the modification and the manner in which it is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the manufacturer shall submit the modification for full testing and approval in accordance with this subpart.

(m) A terminal operator shall immediately notify the Bureau of Casino Compliance of any known or suspected defect or malfunction in any video gaming terminal or associated equipment installed in its licensed facility. The

terminal operator shall comply with instructions issued by the Bureau of Gaming Laboratory Operations with regard to the continued operation of the video gaming terminal or associated equipment.

(n) Concurrent with the initial receipt of video gaming terminals, a terminal operator shall file a video gaming terminal master list.

(o) The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer.

#### § 1112a.5. Video gaming terminal conversions.

A terminal operator shall do all of the following:

(1) Maintain complete and accurate records of all conversions.

(2) Give prior notice of a video gaming terminal conversion to the Bureau of Casino Compliance in writing.

(3) Notify the Department in accordance with § 463a.4 (relating to notice and connection to the central control computer system).

#### § 1112a.6. Revocations and additional conditions.

The Board may revoke the approval of or impose additional conditions on a video gaming terminal prototype or associated equipment prototype, or modification thereto, if the equipment, device or software meets either of the following criteria:

(1) The equipment, device or software is not in compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart or technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(2) The video gaming terminal, or modification thereto, is not compatible with, or compliant with the central control computer and protocol specifications approved by the Department or is unable to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval, and activation and disabling of video gaming terminal.

#### § 1112a.7. Video gaming terminal minimum design standards.

(a) A video gaming terminal may not be set to pay out less than the theoretical payout percentage, which may not be less than 85%, calculated using the lowest possible wager that could be played for any single play, or equal or exceed 100%, calculated using the highest eligible wager available. The theoretical payout percentage for the total value of video gaming terminal wagers will be calculated using the following:

(1) The defined set of all symbols that will be displayed using spinning reels or video displays, or both.

(2) The finite set of all possible combinations which shall be known as the cycle of the game. All possible combinations in a video gaming terminal cycle must be independent of each other and of all possible combinations from cycles in other video gaming terminal.

(3) The value of each winning combination that corresponds with the set from paragraph (2) which, whether by reason of skill or application of the element of chance, or both, may deliver or entitle the person or persons playing the video gaming terminal to wins.

(4) The odds of any winning combination may not exceed 50 million to 1.

(b) The calculation of the theoretical payout percentage may not include the amount of any progressive wins in excess of the initial or reset amount.

(c) A play offered by a video gaming terminal may not have a theoretical payout percentage which is less than, when calculated to one hundredth of a percentage point, the theoretical payout percentage for any other play offered by that video gaming terminal which is activated by a video gaming terminal wager in a lesser amount than the video gaming terminal wager required for that play. Notwithstanding the foregoing, the theoretical payout percentage of one or more particular plays may be less than the theoretical payout percentage of one or more plays which require a lesser wager provided that:

(1) The aggregate total of the decreases in the theoretical payout percentage for plays offered by the video gaming terminal is not more than 1/2 of 1%.

(2) The theoretical payout percentage for every play offered by the video gaming terminal is equal to or greater than the theoretical payout percentage for the play that requires the lowest possible wager that will activate the video gaming terminal.

(d) The selection from the set of all possible combinations of symbols shall be made applying a pseudo random number generator. At a minimum, a pseudo random number generator must adhere to all of the following criteria:

(1) The random selection process must meet a 95% confidence interval.

(2) A random number generator must pass a standard chi-squared test for goodness of fit.

(3) Each possible video gaming terminal combination which produces winning or losing video gaming terminal outcomes must be available for random selection at the initiation of each play.

(4) A video gaming terminal payout percentage that may be affected by reason of skill must meet the theoretical payout requirements in this subpart when evaluated by the Board using a method of play that will provide the greatest return to the player.

(5) Once a random selection process has occurred, the video gaming terminal must do all of the following:

(i) Display an accurate representation of the randomly selected outcome.

(ii) Not make a secondary decision which affects the result shown to the person playing the video gaming terminal.

(e) A video gaming terminal is prohibited from automatically altering any function of the video gaming terminal based on internal computation of the hold percentage.

(f) The available winning combinations and applicable rules of play for a video gaming terminal must be available at all times the video gaming terminal is idle to the patron playing the video gaming terminal. The award schedule of available winning combinations may not include possible aggregate awards achievable from free plays. A video gaming terminal that includes a strategy choice must provide mathematically sufficient information for a patron to use optimal skill. Information regarding a strategy choice need not be made available for any strategy decisions whenever the patron is not required, in addition to the initial wager, to make an additional wager

and, when as a result of playing a strategy choice, the patron cannot lose any credits earned thus far during that game play.

(g) Video gaming terminals approved for use in an establishment licensee's facility must be equipped with all of the following meters that comply with the technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site:

(1) *Coin in*. A meter that accumulates the total value of all wagers, whether the wager results from the insertion of currency, gaming vouchers, credits won or any other means. This meter must, for multigame and multi-denomination/multigame video gaming terminal, monitor the information necessary, on a per payable basis, to calculate a weighted average actual payout percentage.

(2) *Coin out*. A meter that accumulates the total value of all amounts directly paid by the video gaming terminal as a result of winning wagers, whether the payout is made directly from the printer by issuance of a gaming voucher, directly to a credit meter or by any other means. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid cancelled credits*. A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the video gaming terminal.

(4) *Bill in*. A meter that accumulates the total value of currency accepted. The video gaming terminal must also have a specific meter for each denomination of currency accepted that records the number of bills accepted for each denomination.

(5) *Voucher in—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers accepted by the video gaming terminal.

(6) *Voucher in—cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by a video gaming terminal.

(7) *Voucher out—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers issued by the video gaming terminal.

(8) *Voucher out—cashable/count*. A meter that records the total number of cashable gaming vouchers issued by a video gaming terminal.

(9) *Video gaming terminal paid progressive payout*. A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the video gaming terminal. This meter may not record awards paid as a result of an external bonusing system.

(10) *Attendant paid progressive payout*. A meter that accumulates the total value of credits paid by a video gaming terminal attendant as a result of progressive awards that are not capable of being paid by the video gaming terminal. This meter may not include awards paid as a result of an external bonusing system.

(11) *Additional requirements*. Other meters required by technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(h) A video gaming terminal that does not meter one or more of the events required to be metered under subsection (g) may be approved when a terminal operator's system of internal controls establishes that the meter is not required to capture all critical transactions occurring on the video gaming terminal.



(i) The meters required under subsection (g) must continuously and automatically increment in units equal to the denomination of the video gaming terminal or, in the case of a video gaming terminal configured for multidomination play, must display the required information in dollars and cents.

(j) A video gaming terminal approved for use in an establishment licensee's must be equipped with all of the following noncumulative meters:

(1) *Credits wagered.* A meter, visible from the front exterior of a video gaming terminal, known as a credit wagered meter that advises the patron of the total value of amounts wagered in a particular game or round of video gaming.

(2) *Win meter.* A meter, visible from the front exterior of the video gaming terminal, known as a win meter that advises the patron of the total value of amounts won in the immediately concluded game or round of video gaming play.

(3) *Credits paid.* A meter, visible from the front exterior of the video gaming terminal, known as a credits paid meter that advises the patron of the total value of the last:

- (i) Cash out initiated by the patron.
- (ii) Attendant paid cancelled credit.

(4) *Credit meter.* A meter, visible from the front exterior of the video gaming terminal and specifically labeled as a credit meter, which advises the patron as to the number of credits or monetary value available for wagering on the video gaming terminal.

(k) A video gaming terminal must have a meter which stores the number of games played, in the manner and for a duration specified in this subpart or in technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site, since the following events:

- (1) Power reset.
- (2) Door close.
- (3) Game initialization (RAM clear).

(l) A video gaming terminal must be equipped with a device, mechanism or method for retaining the total value of all meters required under subsection (g) for 72 hours subsequent to a power loss.

(m) The required meters on a video gaming terminal must be accessible and legible without access to the interior of the video gaming terminal.

(n) A video gaming terminal must be equipped with a tower light capable of effectively communicating the status of the video gaming terminal in accordance with technical standards on tower lights and error conditions.

(o) A video gaming terminal must be equipped with a device, mechanism or method for detecting, displaying and communicating to a video gaming terminal monitoring system error conditions. The error conditions detected, displayed and communicated by a video gaming terminal, and the method to be utilized to clear the message with regard to the error condition, must be in accordance with technical standards on tower lights and error conditions.

(p) A video gaming terminal must, in accordance with 4 Pa.C.S. § 3309 (relating to central control computer system), comply with the comprehensive protocol specifications necessary to enable the video gaming terminal to communicate with the Department's central control com-

puter as that protocol is amended or supplemented, for the purpose of transmitting auditing program information, real time information retrieval and slot machine activation and disabling.

(q) Printers incorporated into a video gaming terminal must be:

(1) Designed to allow the video gaming terminal to detect and report a low paper level, paper out, presentation error, printer failure and paper jams.

(2) Mounted inside a lockable compartment within the video gaming terminal.

(r) Seating made available by a terminal operator licensee for use during video gaming play may be fixed and stationary or nonfixed. When fixed and stationary seating is used, it shall be installed in a manner that effectively precludes its ready removal by a patron but permits controlled removal, for example for American With Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) purposes. When nonfixed seating is used, the terminal operator shall maintain a minimum aisle width of 48 inches, measured from the seat back to a wall, divide or another seat back when the nonfixed seating is vacant and is touching or is as close as possible to the video gaming terminal at which the nonfixed seating is being used.

(s) Unless a terminal operator's video gaming terminal monitoring system is configured to automatically record all of the information required by this subsection, the terminal operator is required to physically house in each video gaming terminal all of the following entry authorization logs:

(1) A machine entry authorization log that documents each time a video gaming terminal or any device connected thereto which may affect the operation of the video gaming terminal is opened. The log must contain, at a minimum, the date, time, purpose for opening the video gaming terminal or device, and the signature and license or permit number of the person opening and entering the video gaming terminal or device. Each log must have recorded thereon a sequence number and the manufacturer's serial number or the asset number corresponding to the video gaming terminal in which it is housed.

(2) A progressive entry authorization log that documents each time a progressive controller not housed within the cabinet of the video gaming terminal is opened. The log must contain, at a minimum, the date, time, purpose for accessing the progressive controller, and the signature and license or permit number of the person accessing the progressive controller. Each log must be maintained in the progressive controller unit and have recorded thereon a sequence number and the manufacturer's serial number of the progressive controller.

(t) A video gaming terminal must be equipped with a lock controlling access to the card cage door securing the microprocessor, the key to which must be different from any other key securing access to the video gaming terminal's components including its belly door or main door, bill validator or video gaming terminal cash storage box. Access to the key securing the microprocessor shall be limited to an employee of a terminal operator who possesses a valid gaming occupation permit, unless another person is specifically authorized to possess a key by the Board's Executive Director.

(u) A video gaming terminal must be equipped with a mechanism for detecting and communicating to a video



gaming terminal monitoring system any activity with regard to access to the card cage door securing its microprocessor.

(v) A video gaming terminal that does not require a full-time attendant for operation must be equipped with a service button designed to allow the player of a video gaming terminal to request assistance or report a terminal malfunction. The service button must:

(1) Be visible to and within easy reach of the player of the video gaming terminal.

(2) Communicate directly or through the video gaming terminal to the video gaming terminal's tower light which will provide a signal that is in compliance with the technical standards on video gaming terminal tower lights.

(w) A video gaming terminal on the gaming floor must have a label on the top of the video gaming terminal and on the front of the video gaming terminal near the bill validator that displays the asset number and the gaming floor plan location number of the video gaming terminal. The labels must have white lettering on a black background or other color combination approved by the Bureau of Casino Compliance, may not be easily removed and must be easily visible to surveillance cameras. The label on the top of the slot machine must be at least 1.5 inches by 5.5 inches and the label on the front of the video gaming terminal must be a least 1 inch by 2.5 inches or other sizes approved by the Bureau of Casino Compliance.

**§ 1112a.8. Gaming vouchers.**

(a) A terminal operator may utilize gaming vouchers and a gaming voucher system that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) The design specifications for a gaming voucher, the voucher verification methodologies utilized and any limitation on the value of a gaming voucher must be in compliance with technical standards on gaming vouchers.

(c) The design specifications for a gaming voucher system must be in compliance with technical standards on gaming voucher systems.

(d) Prior to issuing a gaming voucher, a terminal operator shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board and address all of the following:

(1) Procedures for assigning an asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for video gaming terminal and redemption locations.

(2) Procedures for issuance, modification and termination of a unique system account for each user.

(3) Procedures used to configure and maintain user passwords.

(4) Procedures for restricting special rights and privileges, such as administrator and override capabilities.

(5) The duties and responsibilities of the information technology, internal audit, video gaming terminal operations and finance departments, respectively, and the level of access for each position with regard to the gaming voucher system.

(6) A description of physical controls on all critical hardware such as locks and surveillance, including the location and security protocols applicable to each piece of equipment.

(7) Procedures for the backup and timely recovery of critical data in accordance with technical standards.

(8) Logs used to document and maintain the details of Board-approved hardware and software modifications upon implementation.

(9) Procedures for the retention, tracking and payment of the value of unredeemed gaming vouchers to the State Treasurer as required under Article XIII.1 of The Fiscal Code (72 P.S. §§ 1301.1—1301.29), regarding the disposition of abandoned and unclaimed property.

(e) The system of internal controls required to be submitted and approved by the Board under subsection (d) must also include the procedures to be applied in all of the following instances:

(1) The procedures used by the terminal operator to pay a patron the value of a video gaming voucher when the gaming voucher system is inoperable.

(2) The procedures used by the terminal operator to pay a patron the value of a video gaming voucher when the redemption terminal is inoperable.

(f) At the end of each gaming day, the video gaming voucher system must generate reports and the reports must be provided to the terminal operator, either directly by the system or through the information technology department. The report, at a minimum, must contain all of the following information:

(1) A report of all gaming vouchers that have been issued which includes the asset number and the serial number of the video gaming terminal, and the value, date and time of issuance of each gaming voucher.

(2) A report of all gaming vouchers that have been redeemed and cancelled by redemption location, including the asset number of the video gaming terminal, the serial number, the value, date and time of redemption for each voucher, and the total value of all vouchers redeemed.

(3) The unredeemed liability for gaming vouchers.

(4) The readings on gaming voucher related video gaming terminal meters and a comparison of the readings to the number and value of issued and redeemed video gaming vouchers, as applicable.

(5) Exception reports and audit logs.

(g) A terminal operator shall immediately report to the Board evidence that a video gaming voucher has been counterfeited, tampered with or altered in any way which would affect the integrity, fairness, reliability or suitability of the voucher.

(h) Upon presentation of a gaming voucher for redemption at a video gaming terminal, the total value of which gaming voucher cannot be completely converted into an equivalent value of credits that match the denomination of the video gaming terminal, the video gaming terminal must perform one of the following procedures:

(1) Automatically issue a new gaming voucher containing the value that cannot be completely converted.

(2) Not redeem the gaming voucher and immediately return the gaming voucher to the patron.

(3) Allow for the additional accumulation of credits on an odd cents meter or a meter that displays the value in dollars and cents.

(i) A terminal operator that utilizes a system or a video gaming terminal that does not print a test gaming voucher that is visually distinguishable from a valid gaming voucher whenever the video gaming terminal is tested on the video gaming floor must have in place

internal controls approved by the Board for the issuance of test currency and the return and reconciliation of the test currency and any gaming vouchers printed during the testing process.

(j) Except as provided by the approved internal controls procedures outlined in § 1114a.1(c)(8) (relating to video gaming accounting and internal controls) with regard to employee redemption of gaming vouchers, a gaming voucher shall be redeemed by a patron for a specific value of cash through a redemption terminal on the premises of the establishment licensee or at a video gaming terminal. Notwithstanding the foregoing, a terminal operator may not permit a gaming voucher that is presented for redemption to be redeemed if it knows, or has reason to know, that the gaming voucher:

- (1) Is materially different from the sample of the gaming voucher approved by the Board.
- (2) Was previously redeemed.
- (3) Was printed as a test gaming voucher.

(k) Gaming vouchers redeemed at automated gaming voucher redemption terminals shall be retained by the terminal operator representatives with no incompatible functions shall perform, at a minimum, all of the following:

(1) On a weekly basis, or other period approved by the Board:

(i) Compare gaming voucher system report data to any redemption terminal report data available to ensure proper electronic cancellation of the gaming voucher.

(ii) Calculate the unredeemed liability for gaming vouchers, either manually or by means of the gaming voucher system.

(2) On a weekly basis, compare appropriate video gaming terminal meter readings to the number and value of issued and redeemed gaming vouchers per the gaming voucher system. Meter readings obtained through a video gaming terminal monitoring system may be utilized to complete this comparison.

(l) A terminal operator shall provide written notice to the Bureau of Casino Compliance of any adjustment to the value of any gaming voucher. The notice shall be made prior to, or concurrent with, the adjustment.

(m) A gaming voucher system must be configured to alert a terminal operator to any malfunction. Following a malfunction of a system, a terminal operator shall notify the Bureau of Casino Compliance within 24 hours of the malfunction and may not utilize the system until the malfunction has been successfully eliminated. Notwithstanding the foregoing, the Bureau of Casino Compliance may permit a terminal operator to utilize the system prior to its being successfully restored, for a period not to exceed 72 hours, provided all of the following apply:

(1) The malfunction is limited to a single storage media device, such as a hard disk drive.

(2) In addition to the malfunctioning storage media device, the system contains a backup storage media device not utilized in the normal operation of the system. The backup device must immediately and automatically replace the malfunctioning device to permit a complete and prompt recovery of all information in the event of an additional malfunction.

(3) Continued use of the malfunctioning system would not inhibit the ability to perform a complete and prompt recovery of all information, and would not otherwise harm or affect the normal operation of the system.

(n) Other than a modification to a gaming voucher system required on an emergency basis to prevent cheating or malfunction and approved by the Board, a modification to a gaming voucher system may not be installed without the gaming voucher system having undergone the testing and approval process required under § 1112a.4 (relating to submission for testing and approval).

#### § 1112a.9. Redemption terminals.

(a) A terminal operator shall utilize an automated redemption terminal that has been tested and approved by the Board under § 1112a.4 (relating to submission for testing and approval).

(b) Redemption terminals must be located in the video gaming area of an establishment licensee and subject to surveillance coverage as approved by the Board. Each redemption terminal must have a label on the top of the redemption terminal and on the front of the redemption terminal that displays the asset number of the redemption terminal. The labels must have white lettering on a black background or other color combination approved by the Bureau of Casino Compliance and may not be easily removed. The label on the top of the redemption terminal must be at least 1.5 inches by 5.5 inches and the label on the front of the redemption terminal must be at least 1 inch by 2.5 inches or other sizes approved by the Bureau of Casino Compliance.

(c) A redemption terminal must have the capability of establishing the validity of a gaming voucher by comparing the instrument's unique serial number, automatically generated by the respective gaming voucher system in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site with electronic records within the gaming voucher system.

(d) The methods utilized to comply with the requirements in subsection (c) shall be submitted to and approved by the Board under § 1112a.4 in the context of the testing of a gaming voucher system.

(e) A redemption terminal may function as a bill breaker changing bills of one denomination into bills of a smaller denomination.

(f) A redemption terminal must contain a lockable gaming voucher and currency storage box which retains any gaming vouchers or currency accepted by the machine. The gaming voucher and currency storage box located inside the terminal must also have imprinted, affixed or impressed thereon the asset identification number of the corresponding terminal.

(g) A redemption terminal must have, at a minimum, all of the following:

(1) One lock securing the compartment housing the storage box and one lock securing the storage box within the compartment.

(2) One lock securing the compartment housing the currency cassettes.

(3) One lock securing the contents of the storage box.

(4) The four keys that control the four locks described in paragraphs (1)—(3) must be different from each other.

(h) A redemption terminal shall be designed to resist forced illegal entry.

(i) A redemption terminal's currency cassettes shall be designed to preclude access to its interior.

(j) Access controls relating to the operating system or applications of the redemption terminal, and ancillary

systems, applications and equipment associated with the reconciliation thereof, must employ security measures that require authentication of the user and recording and maintaining of data regarding access and modifications made. Authentication must be in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(k) A gaming voucher accepted by a redemption terminal shall be cancelled immediately upon exchange in a manner that effectively prevents its subsequent redemption by the same or another redemption terminal or its acceptance in a video gaming terminal bill validator. The methods utilized to comply with this requirement must be in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(l) A redemption terminal shall be designed to be impervious to outside influences, interference from electro-magnetic, electro-static and radio frequencies, and influence from ancillary equipment.

(m) A redemption terminal must include a means to protect against transaction failure and data loss due to power loss.

(n) A redemption terminal machine must detect, display and record electronically power reset, door open, door just closed and system communication loss error conditions. These error conditions may be automatically cleared by the redemption terminal when the condition no longer exists and upon completion of a new transaction.

(o) A redemption terminal must detect, display and record electronically all of the following error conditions that disable the redemption terminal and prohibit new transactions:

- (1) Failure to make payment, if the gaming voucher is not returned and a receipt is not issued.
- (2) Failure to make complete payment if a receipt for the unpaid amount is not issued.
- (3) Bill validator failure.
- (4) Printer failure due to printer jam or lack of paper.

(p) A redemption terminal shall be designed to evaluate whether sufficient funds are available before stacking the voucher and completing the transaction.

(q) A redemption terminal must be capable of maintaining synchronization between its real-time clock and that of the gaming voucher system.

(r) A redemption terminal must be equipped with electronic digital storage meters. The information must be readily available through system reports. When a value is maintained, the value must be in dollars and cents. A redemption terminal must accumulate all of the following information:

- (1) *Physical coin out.* The total value, by denomination, of coins paid by the redemption terminal.
- (2) *Voucher in—value.* The value of cashable gaming vouchers accepted.
- (3) *Voucher in—count.* The number of cashable gaming vouchers accepted.
- (4) *Bill in.* The value of currency accepted by the redemption terminal. A redemption terminal must also have specific meters for each denomination of currency accepted that records the number of bills accepted.
- (5) *Bill out.* The total value of currency dispensed. A redemption terminal must also provide for specific meters

for each denomination of currency dispensed that record the number of bills dispensed.

(6) *Additional requirements.* Other meters as may be required by technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(s) A redemption terminal must have the capacity to record and retain, in an automated transaction log, all critical transaction history for at least 30 days. Transaction history must include records with the date, time, amount and disposition of each complete and incomplete transaction, error conditions, logical and physical access, and attempted access to the redemption terminal. If a redemption terminal is capable of redeeming multiple vouchers in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers.

(t) A redemption terminal or ancillary systems, applications and equipment associated with the reconciliation thereof, must be capable of producing all of the following reports upon request:

(1) *Gaming voucher transaction report.* The report must include the disposition (paid, partial pay and unpaid) of gaming vouchers accepted by a redemption terminal which must include the validation number, the date and time of redemption, amount requested and the amount dispensed. This information must be available by reconciliation period which may be by day, shift or drop cycle.

(2) *Reconciliation report.* The report must include all of the following:

- (i) Report date and time.
- (ii) Unique asset identification number of the redemption terminal.
- (iii) Total cash balance of the currency cassettes.
- (iv) Total count of currency accepted by denomination.
- (v) Total dollar amount of vouchers accepted.
- (vi) Total count of gaming vouchers accepted.

(3) *Gaming voucher and currency storage box report.* The report must be generated, at a minimum, whenever a gaming voucher, and currency storage box is removed from a redemption terminal. The report must include all of the following:

- (i) Report date and time.
- (ii) Unique asset identification number of the machine.
- (iii) Unique identification number for each storage box in the machine.
- (iv) Total value of currency accepted.
- (v) Total number of bills accepted by denomination.
- (vi) Total count of gaming vouchers accepted.

(4) *Transaction report.* The report must include all critical patron transaction history including the date, time, amount and disposition of each complete and incomplete transaction. If a redemption terminal is capable of redeeming multiple vouchers in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers accepted.

**§ 1112a.10. Progressive video gaming terminals.**

(a) A progressive video gaming terminal may stand alone or be linked with other progressive video gaming terminals in the same establishment licensee's facility.



(b) Each video gaming terminal that offers a progressive jackpot must have all of the following:

(1) A progressive meter, visible from the front of the video gaming terminal, which may increase in value based upon wagers, that advises the player of the amount which can be won if the player receives the combination on the video gaming terminal that awards the progressive jackpot.

(2) A video gaming terminal paid progressive payout meter.

(3) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by the video gaming terminal.

(4) A key and key switch or other reset mechanism to reset the progressive meter or meters.

(5) A key locking the compartment housing the progressive meter or meters or other means by which to preclude any unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (4).

(6) If the progressive controller is not secured in a video gaming terminal, the progressive controller:

(i) Must be maintained in a secure area approved by the Bureau of Casino Compliance.

(ii) Must be dual key controlled with one key controlled by the terminal operator's operations department and the other key controlled by a different designated department with no incompatible functions, as specified in the licensee's internal controls.

(iii) May not be accessed until the Bureau of Gaming Laboratory Operations is electronically notified.

(c) In addition to the requirements in subsection (b), a video gaming terminal that is connected to a common progressive meter for the purpose of offering the same progressive jackpot on two or more video gaming terminals must:

(1) Have the same probability of hitting the combination that will award the progressive jackpot as every other video gaming terminal linked to the common progressive meter.

(2) Require that the same amount in wager be invested to entitle the player to a chance at winning the progressive jackpot and that each increase in wager increment the progressive meter by the same rate of progression as every other video gaming terminal linked to the common progressive meter.

(d) Notwithstanding the provisions of subsection (c), two or more linked video gaming terminals offering the same progressive jackpot may be of different denominations or have different wagers, or both, required to win the progressive jackpot, provided that all of the following apply:

(1) The probability of winning the progressive jackpot is directly proportional to the wager required to win that jackpot.

(2) Notice indicating the proportional probability of hitting the progressive jackpot on the linked progressive system is conspicuously displayed on each linked video gaming terminal.

(e) A terminal operator seeking to utilize a linked video gaming terminal shall submit for approval in accordance with § 1112a.4 (relating to submission for testing and

approval) the location and manner of installing any progressive meter display mechanism.

(f) A video gaming terminal that offers a progressive jackpot may not be placed in the video gaming area until the terminal operator has submitted all of the following to the Bureau of Casino Compliance for review and approval in accordance with § 1112a.4:

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the video gaming terminal.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed limit for the progressive jackpot, if any.

(5) The calculated probability of winning each progressive jackpot. The probability may not exceed 50 million to 1.

(g) A video gaming terminal that offers either a new progressive jackpot or undergoes a modification or RAM clear of an existing progressive jackpot may not be made available for play by the public until the video gaming terminal has been tested and certified by the Bureau of Gaming Laboratory Operations. For purposes of this subsection, a modification includes any change in the software, hardware, including controllers, and any associated equipment that relates to progressive functionality.

(h) Progressive jackpot meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron and the progressive jackpot amount has been recorded in accordance with a system of internal controls.

(2) With written approval, the progressive jackpot has been transferred to another progressive video gaming terminal in accordance with subsection (k)(4).

(3) The change is necessitated by a video gaming terminal or meter malfunction. An explanation for the change shall be entered on the progressive video gaming terminal summary required under this subpart and the Bureau of Gaming Laboratory Operations shall be notified of the resetting in writing.

(i) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot may not be decreased unless the progressive jackpot has been won by a patron, has been transferred to another progressive video gaming terminal or has been removed in accordance with subsection (k).

(j) When a video gaming terminal has a progressive meter with digital limitations on the meter, the terminal operator shall set a limit on the progressive jackpot not to exceed the display capability of the progressive meter.

(k) A terminal operator may limit, transfer or terminate a progressive jackpot offered in a video gaming area only under the following circumstances:

(1) A terminal operator shall establish a payout limit for a progressive jackpot of \$1,000.

(2) A terminal operator may terminate a progressive jackpot concurrent with the winning of the progressive jackpot provided its video gaming terminal program or progressive controller was configured prior to the winning of the progressive jackpot to establish a fixed reset amount with no progressive increment.



(3) A terminal operator may immediately and permanently remove one or more linked video gaming terminal from a gaming floor, provided that the terminal operator retains at least one video gaming terminal offering the same progressive jackpot in its video gaming area.

(4) A terminal operator may transfer a progressive jackpot amount on a standalone video gaming terminal or the common progressive jackpot on an entire link of video gaming terminal with a common progressive meter from a video gaming area provided the terminal operator receives written approval from the Bureau of Gaming Laboratory Operations prior to the transfer and the accrued amount minus the seed amount of the progressive jackpot is:

- (i) Transferred in its entirety.
- (ii) Transferred to one of the following:

(A) The progressive meter for a video gaming terminal with the same or similar probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot and the same type of progressive jackpot.

(B) The progressive meters of two separate video gaming terminals provided that each video gaming terminal to which the jackpot is transferred individually satisfies the requirements in clause (A).

(iii) Notice of intent to transfer the progressive jackpot is conspicuously displayed on the front of each video gaming terminal for at least 30 days.

(5) If a transfer cannot be made in accordance with paragraph (4) or with good cause shown, a terminal operator may remove progressive functionality, change the game theme or permanently remove a standalone progressive video gaming terminal, or an entire link of video gaming terminal with a common progressive jackpot from a video gaming area, provided all of the following:

(i) Notice of intent to remove the progressive video gaming terminals is conspicuously displayed on the front of each video gaming terminal for at least 30 days.

(ii) Prior to posting the notice of intent required under subparagraph (i), the terminal operator licensee receives written approval from the Bureau of Gaming Laboratory Operations to remove the progressive video gaming terminal.

(l) Progressive video gaming terminal removed from the video gaming area in accordance with subsection (k)(5) may not be returned to the gaming floor for 90 days.

(m) The amount indicated on the progressive meter or meters and coin in meter on each video gaming terminal governed by subsection (b) must be recorded on a progressive video gaming terminal summary report at least once every 7 calendar days and each report shall be signed by the preparer. If not prepared by the terminal operator's finance department, the progressive video gaming terminal summary report shall be forwarded to the finance department by the end of the gaming day on which it is prepared. A representative of the finance department shall be responsible for calculating the correct amount that should appear on a progressive meter. If an adjustment to the progressive meters is necessary, the adjustment shall be made by a member of the video gaming terminal operations department as follows:

(1) Supporting documentation shall be maintained to explain any addition or reduction in the registered amount on the progressive meter. The documentation must include the date, asset number of the video gaming

terminal, the amount of the adjustment, and the signatures of the finance department member requesting the adjustment and of the video gaming terminal operations department member making the adjustment.

(2) The adjustment shall be effectuated within 48 hours of the meter reading.

(n) Except as otherwise authorized by this section, a video gaming terminal offering a progressive jackpot that is temporarily removed from the video gaming area shall be returned to active play or replaced in the video gaming area within 5 gaming days. The amount on the progressive meter or meters on the returned or replacement video gaming terminal may not be less than the amount on the progressive meter or meters at the time of removal.

(o) When a video gaming terminal is located adjacent to a video gaming terminal offering a progressive jackpot, the terminal operator shall conspicuously display a notice advising patrons that the video gaming terminal is not participating in the progressive jackpot of the adjacent video gaming terminal.

**§ 1112a.11. Video gaming terminal monitoring systems.**

(a) A terminal operator may utilize a video gaming terminal monitoring system which has an interface between it and video gaming terminals and related systems that has been tested and approved by the Board under § 1112a.4 (relating to submission for testing and approval).

(b) A video gaming terminal monitoring system must comply with 4 Pa.C.S. (relating to amusements), this subpart and technical standards on video gaming terminal monitoring systems adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

**§ 1112a.12. Remote system access.**

(a) In emergency situations or as an element of technical support, an employee of a licensed manufacturer may perform analysis of, or render technical support with regard to, a terminal operator's video gaming terminal monitoring system, gaming voucher system or other Board-approved system from a remote location.

(b) Remote system access shall be performed in accordance with the provisions on remote system access under § 461a.19 (relating to remote system access).

(c) Prior to granting remote system access, a terminal operator shall establish a system of internal controls applicable to remote system access. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal control procedures submitted by the terminal operator shall be designed to protect the physical integrity of the systems in subsection (a) and the related data and be capable of limiting the remote access to the system or systems requiring technical support.

**§ 1112a.13. Video gaming terminals and associated equipment utilizing alterable storage media.**

(a) *Definition.* The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

*Alterable storage media—*

(i) Memory or other storage medium, such as an EEPROM, flash, optical or magnetic storage device, that is contained in a video gaming terminal or associated equipment subject to approval under § 461a.4 (relating to

submission for testing and approval), that allows the modification of programs or data on the storage media during the normal operation of the video gaming terminal or associated equipment.

(ii) The term does not include the following:

(A) Memory or other storage medium typically considered to be alterable but through either software or hardware means approved by the Board have been rendered unalterable and remain verifiable by the central control computer system.

(B) Associated equipment using alterable storage media that the Board determines are incapable of influencing the integrity or outcome of game play.

(b) *Use of alterable storage media.* Any use of alterable storage media in a video gaming terminal or associated equipment must be in compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards on alterable storage media adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

#### § 1112a.14. Waivers.

(a) The Board may, on its own initiative, waive one or more of the requirements in this chapter or the technical standards applicable to video gaming terminal and associated equipment adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site upon a determination that the nonconforming video gaming terminal or associated equipment or modification as configured meets the operational integrity requirements in 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(b) A manufacturer may submit a written request to the Board for a waiver for one or more of the requirements in this chapter or the technical standards applicable to video gaming terminal and associated equipment adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site. The request must:

(1) Be submitted as a petition under § 493a.4 (relating to petitions generally).

(2) Include supporting documentation demonstrating how the video gaming terminal or associated equipment for which the waiver has been requested will still meet the operational integrity requirements in 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(3) Be approved by the Board.

#### § 1112a.15. Disputes.

(a) If a dispute arises with a patron, the terminal operator shall attempt to resolve the dispute. If the dispute cannot be resolved, the terminal operator shall notify the Bureau of Casino Compliance who will attempt to resolve the dispute. If the dispute is not resolved, the Bureau of Casino Compliance will provide the patron with a Board Patron Dispute/Complaint Form and Instructions for Submitting a Patron Dispute/Complaint and assist the patron in completing the Board Patron Dispute/Complaint Form.

(b) When a patron files a complaint, the Bureau will conduct an investigation of the complaint.

#### § 1112a.16. Testing and software installation in the live video gaming area.

(a) Prior to the testing of video gaming terminals, associated equipment and displays in a live video gaming area during a terminal operator's normal hours of operation, the terminal operator shall notify the Bureau of Casino Compliance in writing at least 72 hours prior to the test date and receive the required approvals from the Bureau of Gaming Laboratory Operations prior to beginning testing. The notification must include all of the following:

(1) A detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the terminal operator's procedures for conducting the testing.

(2) The date, time and approximate duration of the testing.

(3) The model, video gaming terminals location number and asset number of the video gaming terminals to be tested.

(4) The location within the licensed facility where the testing will occur.

(b) A terminal operator shall notify the Bureau of Casino Compliance at least 72 hours prior to the installation of any new software or the installation of any change in previously approved software and receive the required approvals prior to the installation of any of the following:

(1) Automated gaming voucher redemption terminals.

(2) Video gaming terminals monitoring systems.

(3) Additional automated bill breaker machines, automated gaming voucher redemption terminals and automated teller machines in the video gaming area.

(4) Gaming voucher systems.

(c) The notification required under subsection (b) must include all of the following:

(1) A description of the reasons for the new installation or change in previously approved software.

(2) A list of the current computer components, software identifications or versions that are to be modified or replaced.

(3) A list of the proposed computer components, software identifications or versions that will modify or replace the existing components or software.

(4) The method to be used to complete the proposed installation.

(5) The date and time that the proposed modification will be installed and the estimated time for completion.

(6) The name, title and employer of the persons performing the installation.

(7) The plan to handle disruptions, if any, to the video gaming area.

(8) The approximate length of time the video gaming area or systems will be disrupted.

(9) Plans for system backup prior to any proposed installation.

#### § 1112a.17. RAM clear.

(a) When a terminal operator becomes aware of a nonresponsive video gaming terminals, and communication between the video gaming terminals and the central control computer cannot be re-established, the terminal operator shall immediately notify the Department's opera-

tor of the central control computer and the Bureau of Casino Compliance. The terminal operator may not do a RAM clear on the affected video gaming terminals or associated equipment until the information on the financial meters has been accurately recorded and provided to the Bureau of Casino Compliance.

(b) For planned RAM clears, the terminal operator shall provide notice to the Department's operator of the central control computer and the Bureau of Casino Compliance at least 48 hours prior to the scheduled RAM clear. A second notice shall be provided to the Department's operator of the central control computer and the Bureau of Casino Compliance immediately prior to actually conducting the RAM clear.

**Chapter 1113. (Reserved)**

- Sec.
- 1113.1—1113.4. (Reserved).
- 1113.5. (Reserved).
- 1113.6. (Reserved).
- 1113.7. (Reserved).

**CHAPTER 1113a. POSSESSION OF VIDEO GAMING TERMINALS**

- Sec.
- 1113a.1. Possession of video gaming terminals generally.
- 1113a.2. Transportation of video gaming terminals into, within and out of this Commonwealth.
- 1113a.3. Video gaming terminals location in video gaming area.
- 1113a.4. Notice and connection to the central control computer system.
- 1113a.5. Video gaming terminal master lists.
- 1113a.6. Off-premises storage of video gaming terminals.

**§ 1113a.1. Possession of video gaming terminals generally.**

(a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.), a person may not possess any video gaming terminals in this Commonwealth that may be used for gambling activity.

(b) The following persons and any employee or agent acting on their behalf may possess video gaming terminals in this Commonwealth for the purposes described herein provided that video gaming terminals located outside of a establishment licensee's facility may not be used for gambling activity:

- (1) A terminal operator, for the purpose of maintaining for use, training or operating video gaming terminals in an establishment licensee's facility.
- (2) The holder of a manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training or preparing for transfer to a supplier licensee or terminal operator.
- (3) The holder of a manufacturer or supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating video gaming terminals and any training with regard thereto.
- (4) An educational institution for the purpose of teaching video gaming terminals design, operation, repair or servicing.
- (5) A manufacturer or supplier of video gaming terminals not licensed in this Commonwealth for the limited purpose of temporary exhibition or demonstration.
- (6) A common carrier, for the purpose of transporting video gaming terminals in accordance with § 1113a.2 (relating to transportation of video gaming terminals into, within and out of this Commonwealth).
- (7) An employee or agent of the Board, the Department, the Pennsylvania State Police or any law enforce-

ment agency of this Commonwealth for the purpose of fulfilling official duties or responsibilities.

(8) Other persons upon a finding that the possession of video gaming terminals by those persons in this Commonwealth is not contrary to the goals and objectives of 4 Pa.C.S. (relating to amusements).

(c) Persons seeking to possess video gaming terminals under subsection (b)(4), (5) and (8) shall submit a petition to the Board as required under § 493a.4 (relating to petitions generally). The petition to the Board must contain all of the following:

- (1) The purpose for having the video gaming terminals.
- (2) The proposed location of the video gaming terminals.
- (3) The time period for which the video gaming terminals will be kept.
- (4) How the video gaming terminals will be secured.
- (d) Requests approved by the Board may be subject to specific terms and conditions imposed by the Board.

(e) A person authorized to possess video gaming terminals under subsection (d) who wishes to store the video gaming terminals at a location other than the location specified in subsection (c)(2) shall obtain approval from the Board's Executive Director prior to storing the video gaming terminals at the other location.

**§ 1113a.2. Transportation of video gaming terminals into, within and out of this Commonwealth.**

(a) In furtherance of 4 Pa.C.S. § 4502 (relating to declaration of exemption from Federal laws prohibiting video gaming terminals), prior to the transport or movement of a video gaming terminals, into, within or out of this Commonwealth, from one person authorized to possess video gaming terminals under § 1113a.1 (relating to possession of video gaming terminals generally) to another person, the persons causing the video gaming terminals to be transported or moved shall notify the Bureau of Casino Compliance in writing or in an electronic format approved by the Bureau of Casino Compliance. The notice shall be submitted no later than the day the video gaming terminals is transported and must include all of the following information:

- (1) The name and address of the person shipping or moving the video gaming terminals.
- (2) The name and address of the person who owns the video gaming terminals if different from the person shipping or moving the video gaming terminals.
- (3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.
- (4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.
- (5) The name and address of the person to whom the video gaming terminals is being sent and the destination of the video gaming terminals if different from that address.
- (6) The quantity of video gaming terminals being shipped or moved and the manufacturer's serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location in this Commonwealth.



(8) The port of entry, or exit, if any, of the video gaming terminals if the origin or destination of the video gaming terminals is outside the continental United States.

(9) The reason for transporting or moving the video gaming terminals.

(b) In addition to the requirements in subsection (a), if a terminal operator is shipping video gaming terminals to or from the terminal operator's approved, off-premises storage location, the terminal operator shall comply with the requirements in subsection (a) and record the movement in the terminal operator's movement log as required under § 1113a.5(e) (relating to video gaming terminal master lists).

(c) If a video gaming terminal is being transported to the establishment licensee's facility from the terminal operator's approved, off-premises storage location, the terminal operator shall specify in the notice required under subsection (a) whether the video gaming terminals will be placed directly onto the video gaming area or stored off the video gaming area in a restricted area within the establishment licensee's facility.

(d) If a video gaming terminal is being transported to the Bureau of Gaming Laboratory Operations, the notice required under subsection (a) shall also be provided to the Bureau of Gaming Laboratory Operations.

**§ 1113a.3. Video gaming terminals location in video gaming area.**

(a) A video gaming area must consist of one area within an establishment licensee's premises approved by the Board or Executive Director for the placement and operation of all video gaming terminals.

(b) The location of each video gaming terminal must correspond to a specifically identified space in the video gaming area identified numerically and listed on the master list with the identifying asset and serial number of the corresponding video gaming terminal.

**§ 1113a.4. Notice and connection to the central control computer system.**

(a) Prior to utilization for gambling activity, unless otherwise authorized by the Board's Executive Director, a video gaming terminal in a video gaming area must be connected or linked to a central control computer system having the capabilities and in compliance with the terms of 4 Pa.C.S. § 3309 (relating to central control computer system).

(b) To ensure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the video gaming terminal in conjunction with the movement of a video gaming terminal, the terminal operator shall provide the Department with written notice of the video gaming terminal movement, prior to any of the following:

(1) Placement of a video gaming terminal in a video gaming area.

(2) Movement of a video gaming terminal location in the video gaming area.

(3) Removal of a video gaming terminal from the video gaming area.

**§ 1113a.5 Video gaming terminal master lists.**

(a) Prior to the commencement of operations at an establishment licensee's facility, a terminal operator shall file all of the following with the Bureau of Casino Compliance in an electronic format approved by the Bureau of Casino Compliance:

(1) Video Gaming Area Video Gaming Terminal Master List.

(2) Restricted Area/Off Premises Video Gaming Terminal Master List.

(b) A Video Gaming Area Video Gaming Terminal Master List must list all video gaming terminals located in the video gaming area in consecutive order by the device location number under § 1113a.3 (relating to video gaming terminals location in video gaming area) and contain all of the following:

(1) The date the list was prepared.

(2) A description of each video gaming terminal that includes all of the following:

(i) The location number.

(ii) The asset number.

(iii) The manufacturer's serial number.

(iv) The base denomination, or if configured for multiple denominations, a list of the denominations.

(v) The game software/program ID.

(vi) The operating system/base ROM.

(vii) The manufacturer.

(viii) The video gaming terminal model.

(ix) The model type (reel or video), if applicable.

(x) The game themes/description.

(xi) The minimum payout percentage, if applicable.

(xii) The machine displayed payout percentage, if applicable.

(xiii) The payable ID.

(xiv) If the video gaming terminal is a progressive, the type of progressive, the progressive controller type and the progressive software.

(xv) The fund transfer/voucher system software.

(c) If a video gaming terminal is configured to allow a patron to select from multiple games or game themes, each game or game theme, minimum and machine displayed payout percentages, if applicable, and payable ID must be listed in the Video Gaming Area Video Gaming Terminal Master List. Instead of listing each game or game theme, minimum and machine displayed payout percentage and payable ID for a video gaming terminal configured to offer multiple game themes with the video gaming terminal, a terminal operator may use a unique generic code for the game theme and attach an appendix which lists the game themes, minimum and machine displayed payout percentages and payable IDs that correspond to each unique generic game theme code.

(d) A Restricted Area/Off Premises Video Gaming Terminal Master List must include all video gaming terminals located off the video gaming area in an approved restricted area within the establishment licensee's facility, or in storage locations in this Commonwealth off the premises of the establishment licensee approved under § 1113a.6 (relating to off-premises storage of video gaming terminals) grouped by the location where the video gaming terminal are located. A Restricted Area/Off Premises Video Gaming Terminal Master List must include all of the following information:

(1) The date the list was prepared.

(2) A description of each video gaming terminal that includes all of the following:

(i) The location of the video gaming terminal.



- (ii) The asset number.
- (iii) The manufacturer's serial number.
- (iv) The game software/program ID.
- (v) The operating system/base ROM.
- (vi) The game theme/description.
- (vii) The manufacturer.
- (viii) The video gaming terminal model.
- (ix) The model type (reel or video), if applicable.

(e) Once a video gaming terminal has been placed in an authorized location in the video gaming area, stored in a restricted area off the video gaming area but within the establishment licensee's facility approved under this section or in a location in this Commonwealth off the premises of the establishment licensee's facility approved under § 1113a.6, all subsequent movements of that video gaming terminal shall be recorded by a terminal operator employee in a video gaming terminal movement log which includes all of the following:

- (1) The asset number and model and manufacturer's serial number of the moved video gaming terminal.
- (2) The date and time of movement.
- (3) The location from which the video gaming terminal was moved.
- (4) The location to which the video gaming terminal was moved.
- (5) The date and time of any required notice to the Department in connection with activation or disabling of the video gaming terminal in the central control computer system.
- (6) The signature of a key employee of the terminal operator verifying the movement of the video gaming terminal in compliance with this section.

(f) Documentation summarizing video gaming terminal movements, as described in subsection (e), shall be submitted to the Bureau of Casino Compliance in an electronic format approved by the Bureau of Casino Compliance on a weekly basis.

(g) On the first Tuesday of each month a terminal operator shall file an updated Video Gaming Area Video Gaming Terminal Master List and an updated Restricted Area/Off Premises Video Gaming Terminal Master List containing the information required under subsections (b)—(d). The Video Gaming Area Video Gaming Terminal Master List and the Restricted Area/Off Premises Video Gaming Terminal Master List shall be filed in an electronic format with the Bureau of Casino Compliance.

(h) Persons authorized by the Board to possess video gaming terminals under § 1113a.1(c) (relating to possession of video gaming terminals generally) shall file with the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Casino Compliance, a complete list of video gaming terminals possessed by the person. The list must comply with all of the following:

- (1) Be denoted as a Video Gaming Terminal Master List.
- (2) Be filed within 3 business days of the initial receipt of video gaming terminals.
- (3) Contain all of the following information:
  - (i) The date on which the list was prepared.
  - (ii) A description of each video gaming terminal including all of the following:
    - (A) The manufacturer.

- (B) The manufacturer's serial number.
- (C) The video gaming terminals model.
- (D) The model type (reel or video), if applicable.

(E) Whether or not the video gaming terminal is a progressive, and if it is, the type of progressive.

(i) On the first Tuesday of each month following the initial filing of a Video Gaming Terminal Master List, the persons enumerated in subsection (h) shall file with the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Casino Compliance, an updated Video Gaming Terminals Master List containing all of the information required under subsection (h).

**§ 1113a.6. Off-premises storage of video gaming terminals.**

(a) A terminal operator may not store video gaming terminals off the premises of an establishment licensee's facility without prior approval from the Board's Executive Director.

(b) A terminal operator seeking to store video gaming terminals off the premises of an establishment licensee's facility shall submit a written request to the Bureau of Casino Compliance for off premise storage. The written request must include all of the following:

- (1) The location and a physical description of the proposed storage facility.
- (2) A description of the type of surveillance system that has been or will be installed at the proposed storage facility.
- (3) The plan to provide 24-hour, 7-day a week security at the proposed storage facility.
- (4) The anticipated number of video gaming terminals that may be stored at the proposed storage facility.
- (c) Before the Board's Executive Director will act on a request for off premise storage of video gaming terminals, the Bureau of Casino Compliance will inspect the proposed storage facility.

(d) The Board's Executive Director will approve or disapprove requests within 60 days. Requests approved by the Board's Executive Director may be subject to specific terms and conditions imposed by the Board's Executive Director.

**Chapter 1114. (Reserved)**

Sec.  
1114.1. (Reserved).

**CHAPTER 1114a. ACCOUNTING AND INTERNAL CONTROLS**

Sec.  
1114a.1. Video gaming accounting and internal controls.

**§ 1114a.1. Video gaming accounting and internal controls.**

(a) At least 90 days before the commencement of video gaming, a terminal operator licensee or an applicant for a terminal operator license shall submit to the Board for approval all internal control systems and audit protocols for the video gaming operations.

(b) A terminal operator licensee's internal controls and audit protocols must include all of the following:

- (1) Provide for reliable records, accounts and reports of any financial event that occurs in the conduct of video gaming, including reports to the Board related to video gaming.

(2) Provide for accurate and reliable financial records related to the conduct of video gaming.

(3) Establish procedures and security for the recordation of wagering, winnings, gross terminal revenue and taxation.

(4) Establish procedures and security standards for the maintenance of video gaming terminals and associated equipment used in connection with the conduct of video gaming.

(5) Establish procedures and rules to govern the conduct of video gaming and the responsibility of employees related to video gaming.

(6) Establish procedures for the collection, recording and deposit of revenue from the conduct of video gaming.

(7) Establish reporting procedures and records required to ensure that all money generated from video gaming is accounted for.

(8) Ensure that all functions, duties and responsibilities related to video gaming are appropriately segregated and performed in accordance with sound financial practices by qualified employees.

(9) Permit access to the establishment licensee premises and terminal operator premises used in connection with video gaming for the Board, the Bureau, the Department and the Pennsylvania State Police to facilitate the ability to perform regulatory oversight and law enforcement functions, respectively.

(c) The submission required under subsection (a) must include a detailed description of the terminal operator's administrative and accounting procedures related to video gaming, including its written system of internal controls which must include:

(1) An organizational chart depicting appropriate functions and responsibilities of employees involved in video gaming.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) The record retention policy of the terminal operator.

(4) The procedure to be utilized to ensure that money generated from the conduct of video gaming is safeguarded, including mandatory counting and recording procedures.

(5) An overview and description of the video gaming terminal monitoring system used by the terminal operator licensee, including:

(i) The name of the system being utilized, and the gaming equipment connected to the system.

(ii) The procedures and reports utilized by the terminal operator to calculate gross terminal revenue.

(6) The procedures and controls for ensuring that video gaming terminals directly provide and communicate all required activities and financial details to the central control computer system as established by the Board.

(7) Procedures to ensure that recorded accountability for assets is compared with actual assets at intervals required by the Board and appropriate action is taken with respect to discrepancies.

(8) Procedures to be utilized by an employee of a terminal operator and establishment licensee in the event of a malfunction of a video gaming terminal that fails to dispense a redemption ticket, or of a redemption terminal which fails to dispense cash upon redemption of the ticket.

(9) Procedures to be utilized by an establishment to prevent minors from entering the video gaming area, which include acceptable documentation relating to proof of age and the examination of these documents by a responsible employee.

(10) Other items the Board may request in writing to be included in the internal controls.

(d) Prior to authorizing a terminal operator licensee to commence the conduct of video gaming, the Board will review the system of internal controls and audit protocols submitted under subsection (a) to determine whether it conforms to the requirements in this chapter and whether it provides adequate and effective controls for the conduct of video gaming.

(e) If a terminal operator licensee intends to make a change or amendment to its system of internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations in a manner prescribed by the Bureau of Gaming Operations. The terminal operator licensee may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the terminal operator licensee receives written notice tolling the change or amendment in accordance with subsection (f) or written notice from the Board's Executive Director rejecting the change or amendment.

(f) If during the 30-day review period in subsection (e), the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains an insufficiency likely to negatively affect the integrity of video gaming or the control of revenue generated from video gaming, the Bureau of Gaming Operations, by written notice to the terminal operator licensee, will do all of the following:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30-calendar day review period in subsection (e) be tolled and that any internal controls at issue not be implemented until approved.

(g) Examples of submissions that may contain an insufficiency likely to negatively affect the integrity of video gaming include the following:

(1) Submissions that fail to provide information sufficient to permit the review of video gaming.

(2) Submissions that fail to provide for the segregation of incompatible functions so that an employee is not in a position to commit an error or perpetrate a fraud and conceal the error or fraud in the normal course of the employee's duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required under 4 Pa.C.S. (relating to amusements) or this part.

(4) Submissions that would implement operations or accounting procedures not authorized by 4 Pa.C.S. or this part.

(5) Submissions that are dependent upon the use of equipment or related devices or software not approved by the Board unless the submissions are required as part of an authorized test of the equipment or related device or software.

(h) Whenever a change or amendment has been tolled under subsection (f), the terminal operator licensee may submit a revised change or amendment within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The terminal operator licensee may imple-

ment the revised change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of the revision unless the terminal operator licensee receives written notice tolling the change or amendment in accordance with subsection (f) or written notice from the Board's Executive Director rejecting the change or amendment.

**Chapter 1115. (Reserved)**

Sec.  
1115.1. (Reserved).

**CHAPTER 1115a. RECORD RETENTION**

Sec.  
1115a.1. Video gaming record retention.

**§ 1115a.1. Video gaming record retention.**

(a) For the purposes of this section, "books, records and documents" means any book, record or document pertaining to, prepared in or generated by the operation of video gaming by a terminal operator licensee or an establishment licensee including all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records.

(b) As a condition of continued operation, a terminal operator licensee or an establishment licensee shall agree to maintain all books, records and documents pertaining to the conduct of video gaming in a manner and location in this Commonwealth as approved by the Board. All books, records and documents must meet all of the following:

(1) Be organized in a manner to clearly depict by separate records the total amount of money wagered and paid as winnings in all video gaming activity.

(2) Be segregated by separate accounts within the terminal operator licensee or establishment licensee's books, records and documents.

(3) Be immediately available for inspection upon request of the Board, the Bureau, the Department, the Pennsylvania State Police or the Attorney General, or agents thereof, during all hours of operation of video gaming by a terminal operator licensee or establishment licensee.

(4) Be prepared and maintained in a complete, accurate and legible form. Electronic data must be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained it has become obsolete.

(5) Be retained in a secure location by a terminal operator licensee or establishment licensee that is equipped with a fire suppression system or in a fire proof location on the premises.

(6) Be organized and indexed in a manner to provide immediate accessibility to the Board, the Bureau, the Department, the Pennsylvania State Police or the Attorney General, or agents thereof.

(7) Be destroyed only after expiration of the minimum retention period of 5 years, unless the Board, upon the written request of a terminal operator licensee or an establishment licensee and for good cause shown, permits the destruction at an earlier date.

**Chapter 1116. (Reserved)**

Sec.  
1116.1—1116.8. (Reserved).

**CHAPTER 1116a. CONDUCT OF VIDEO GAMING**

Sec.  
1116a.1. Video gaming area.  
1116a.2. Video gaming terminals.  
1116a.3. Redemption terminals.  
1116a.4. Automated teller machines.  
1116a.5. Commencement of video gaming generally.  
1116a.6. Establishment licensee restrictions.  
1116a.7. Terminal operator licensee restrictions.  
1116a.8. Restriction on wagering.  
1116a.9. Surveillance system standards.

**§ 1116a.1. Video gaming area.**

(a) A video gaming area must be within an establishment licensee's premises and it must be separate and distinct through the installation of a physical barrier from a convenience store or other amenity available to patrons under 21 years of age.

(b) An establishment licensee shall notify and receive approval of the Board, the Bureau or designated staff of the Board prior to making any modification to the video gaming area.

(c) An establishment licensee shall provide all of the following:

(1) The entrance to the video gaming area and the conduct of video gaming are visible to at least one employee of the establishment licensee who holds an occupation permit.

(2) The video gaming area must have one entrance point which serves as the exit point.

(3) The video gaming area must be separated from the remaining establishment premises by a physical barrier which may consist of a wall, partition, gate or other barrier which may not obstruct the view of the conduct of video gaming by an employee who holds an occupation permit.

(4) The video gaming area shall, at all times, be monitored, either directly or through live monitoring of video surveillance, by an employee of the establishment licensee who is at least 18 years of age, holds an occupation permit and has completed mandatory training relating to compulsive and problem gambling.

(5) Every employee of the establishment licensee who has a valid occupation permit issued by the Board and who has duties which include monitoring the video gaming area of an establishment licensee shall display the Board-issued occupation permit credential on the outer clothing in a manner clearly visible to patrons and security and surveillance cameras.

(6) Every employee of a terminal operator who has a valid occupation permit issued by the Board and who has duties which require him to enter a video gaming area of an establishment licensee shall, while on the premises of an establishment licensee, display the Board-issued occupation permit credential on the outer clothing in a manner clearly visible to patrons and security and surveillance cameras.

(d) A video gaming area must have at least one redemption terminal which must be the sole and exclusive method to exchange a redemption ticket for cash.

(e) An establishment licensee shall prominently display in a place and manner conspicuous to all patrons entering and exiting the video gaming area signs containing the following statement printed in bold lettering of sufficient



size to be visible and readable: "The video gaming area including the entrance and exit is subject to surveillance and video recording."

(f) A video gaming area must comply with §§ 1118a.1 and 1118a.2 (relating to signage requirements; and problem gambling information).

(g) A video gaming area must have a sign prominently displayed that sets forth the maximum wager amount and maximum prize per individual game as set forth in the act.

**§ 1116a.2. Video gaming terminals.**

(a) A terminal operator licensee may place up to five video gaming terminals in the video gaming area of an establishment licensee.

(b) A video gaming terminal may not be made available for use prior to being tested and certified by the Board as meeting the requirements in 4 Pa.C.S. § 3701 (relating to testing and certification of terminals).

(c) Video gaming terminals may not have the ability to dispense cash, tokens or anything of value, except redemption tickets which shall only be exchangeable at a redemption terminal or reinserted into another video gaming terminal in the same video gaming area.

**§ 1116a.3. Redemption terminals.**

(a) A terminal operator licensee shall place at least one redemption terminal in the video gaming area of an establishment licensee.

(b) A redemption terminal in a video gaming area must be equipped with an integrated camera which must record the image of all persons using the redemption terminal and maintain those images for a minimum period of 30 days, or the surveillance system utilized in the video gaming area must have camera coverage of the redemption terminal that makes it possible to identify the individual using the redemption terminal.

(c) A redemption terminal may not be made available for use prior to being tested and certified by the Board as meeting the requirements in 4 Pa.C.S. § 3701 (relating to testing and certification of terminals).

(d) The redemption terminal must only accept redemption tickets from video gaming terminals in the same video gaming area.

(e) Redemption tickets shall only be exchanged for cash through a redemption terminal located within the same video gaming area.

**§ 1116a.4. Automated teller machines.**

(a) Automated teller machines may be placed at any location within an establishment licensee's facility. Automated teller machines that offer credit card advances may not be placed in the video gaming area.

(b) An automated teller machine in a video gaming area must be equipped with an integrated camera which must record the image of all persons using the automated teller machine and maintain those images for a minimum period of 30 days, or the surveillance system utilized in the video gaming area must have camera coverage of the automated teller machine that makes it possible to identify the individual using the automated teller machine.

(c) An automated teller machine located in the video gaming area must have a label on the top and front of the automated teller machine that displays a unique identification number of the automated teller machine. The labels must have white lettering on a dark-colored back-

ground, may not be easily removed and must be easily visible by surveillance equipment. The label on the top of the automated teller machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated teller machine must be at least 1 inch by 2.5 inches.

(d) Automated teller machines located within a video gaming area may not accept ACCESS/Electronic Benefits Transfer Cards.

**§ 1116a.5. Commencement of video gaming generally.**

(a) Prior to offering video gaming terminals, a terminal operator shall demonstrate all of the following:

(1) The video gaming area complies in all respects with 4 Pa.C.S. Part III (relating to video gaming), this subpart and any technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(2) Video gaming terminals utilized in the conduct of video gaming have been tested and approved by the Board in compliance with 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(3) The video gaming area has been approved by the Board in compliance with 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(4) The terminal operator licensee's internal control systems and audit protocols have been approved by the Board in compliance with 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(5) The terminal operator licensee is prepared to implement necessary management controls, surveillance and security precautions to insure the efficient conduct of video gaming.

(6) The terminal operator licensee and establishment licensee's employees are licensed or permitted by the Board and trained in the performance of their responsibilities.

(b) Upon a terminal operator licensee and an establishment licensee meeting the criteria in subsection (a), the Board may authorize the date and time at which the establishment licensee may commence video gaming in the video gaming area.

**§ 1116a.6. Establishment licensee restrictions.**

(a) An establishment licensee may not permit a person under 21 years of age to play a video gaming terminal or enter the video gaming area.

(b) An establishment licensee may not offer or provide an incentive to a person to engage in video gaming activity.

(c) An establishment licensee may not permit a visibly intoxicated person to play a video gaming terminal.

(d) An establishment licensee may not extend credit or accept a credit card or debit card for play of a video gaming terminal.

(e) An establishment licensee may not make structural alterations or significant renovations to a video gaming area unless the establishment licensee has notified the terminal operator licensee and obtained prior approval from the Board.



(f) An establishment licensee may not move a video gaming terminal or redemption unit after installation by a terminal operator licensee.

**§ 1116a.7. Terminal operator licensee restrictions.**

(a) No more than five video gaming terminals may be placed on the premises of an establishment licensee.

(b) Redemption tickets may only be redeemed for cash through a ticket redemption terminal located in the same video gaming area or reinserted into another video gaming terminal in the same video gaming area for continued play.

(c) Video gaming terminals located in the video gaming area of an establishment licensee must be placed and operated under a terminal placement agreement approved by the Board.

(d) A terminal operator licensee may not offer or provide an incentive to a person to engage in video gaming activity.

(e) A terminal operator licensee may not extend credit or accept a credit card or debit card for play of a video gaming terminal.

(f) A terminal operator licensee may not give or offer to give, directly or indirectly, any type of inducement to a truck stop establishment to secure or maintain a terminal operator placement agreement. For purposes of this subsection, an “inducement” may not include payment by a terminal operator licensee for the actual costs of renovating an existing area of the footprint of the truck stop establishment for the purpose of making the video gaming area and associated areas available for the conduct of video gaming. The term, as used in this subsection, does not include making the area operate at the premises including wiring, rewiring, software updates, ongoing video gaming terminal maintenance, redemption terminals, network connections, site controllers and costs associated with communicating with the central control computer system, as well as renovations to include flooring, lighting and barriers. Nothing in this section shall preclude a truck stop establishment from making further modifications to its facility to accommodate video gaming terminal.

(g) A terminal operator licensee may not give an establishment licensee a percentage of gross terminal revenue other than 15% of the gross terminal revenue of the video gaming terminals operating in the establishment licensee’s premises.

(h) A terminal operator licensee may not operate, install or otherwise make available for public use a video gaming terminal or redemption terminal that has not been obtained from a manufacturer licensee or supplier licensee.

(i) A terminal operator licensee may not make structural alterations or significant renovations to a video gaming area unless the terminal operator licensee has notified the establishment licensee and obtained prior approval from the Board.

(j) A terminal operator licensee may not move a video gaming terminal or redemption unit after installation unless prior approval of the Board is obtained.

**§ 1116a.8. Restriction on wagering.**

(a) An individual who holds a license, occupation permit or registration and is currently employed by or is a principal associated with an establishment licensee may not wager at a video gaming terminal in the establishment where the individual is employed or associated.

(b) An individual who holds a license, occupation permit or registration and is currently employed by or is a principal associated with a terminal operator licensee, manufacturer licensee or supplier licensee may not wager at any video gaming terminal in a truck stop establishment at which the individual operates, services, or installs video gaming terminals or associated equipment.

**§ 1116a.9. Surveillance system standards.**

(a) In accordance with § 1116.5(a)(5) (relating to commencement of video gaming generally), the terminal operator licensee or establishment licensee shall implement all necessary surveillance systems in each establishment in which video gaming is offered prior to the commencement of video gaming.

(b) The surveillance systems implemented in each establishment shall, at a minimum, provide for all of the following:

(1) Must operate on a 24-hours per day, 7-days per week basis.

(2) Must be capable of recording all activity in images clearly displaying facial detail of players, as well as details of the video gaming terminals, redemption terminals, automated teller machines and all other areas as require by Board regulation.

(3) Must be capable of recording and storing all images by each surveillance camera for a minimum of 30 days in a format that may be easily accessed for investigative purposes. If a proprietary video player for the recording and playback of surveillance footage is used, a terminal operator shall provide the necessary program files to the Board or Bureau upon request of surveillance footage for investigative purposes.

(4) Must provide the Board and the Bureau with remote access to the surveillance system to view surveillance footage in real-time.

(5) Must be capable of clearly and accurately displaying the time and date, synchronized and set correctly, which shall not significantly obscure the surveillance footage.

(6) Must be capable of operating under normal lighting conditions, with the entire area covered by the surveillance system having lights on 24-hours per day, 7-days per week.

(7) Must be capable of producing a clear, still photograph or video in digital format that can be provided in unaltered form within 2 business days following a request by the Board or the Bureau.

(8) Must undergo quarterly maintenance inspections to ensure that any repairs, alterations or upgrades to the surveillance system are made for the proper operation of the system.

(c) If a terminal operator or establishment licensee has been notified by the Board, the Bureau, or law enforcement of a pending criminal or administrative investigation for which a recording may contain relevant information, the terminal operator or establishment licensee shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the terminal operator or establishment licensee that it is not necessary to retain the recording.

(d) A terminal operator or establishment licensee shall make available to the Board or its authorized agents, upon request, a current list of authorized employees and

service employees or contractors who may have access to any of the surveillance areas.

(e) A terminal operator may have a centralized location for the server and surveillance room for the establishments in which video gaming is operated if the terminal operator also places the necessary equipment in each establishment so that the surveillance footage may also be viewed onsite.

(f) The terminal operator may provide remote, real-time access to the surveillance system to the owner or operator of the establishment.

(g) The terminal operator or establishment licensee shall notify the Bureau of Casino Compliance within 1 hour of any incident of equipment failure within the surveillance system, including the time and cause of the malfunction, if known.

(h) If at any time surveillance coverage of the video gaming area cannot be maintained, the video gaming area shall be closed, unless approved by the Board.

#### **Chapter 1117. (Reserved)**

Sec.  
1117.1. (Reserved).  
1117.2. (Reserved).

#### **CHAPTER 1117a. VIDEO TERMINAL PLACEMENT AGREEMENTS**

Sec.  
1117a.1. Board approval of video terminal placement agreements.  
1117a.2. Minimum standards for terminal placement agreements.

##### **§ 1117a.1. Board approval of video terminal placement agreements.**

A terminal operator licensee may not place and operate video gaming terminals on the premises of an establishment licensee unless under a terminal placement agreement approved by the Board.

##### **§ 1117a.2. Minimum standards for terminal placement agreements.**

(a) A terminal placement agreement submitted to the Board for approval must include all of the following:

(1) A provision that the term of the terminal placement agreement shall be valid for a minimum of 60 months and may not exceed 120 months.

(2) A provision that renders the terminal placement agreement invalid if either the terminal operator license or terminal operator application or the establishment license or the establishment license application is denied, revoked, not renewed, withdrawn or surrendered.

(3) A provision that provides the establishment licensee shall receive 15% of gross terminal revenue from each video gaming terminal located on the premises of the establishment licensee.

(4) The identity of the person who solicited the terminal placement agreement on behalf of a terminal operator licensee or applicant.

(5) Signatures of a representative authorized to bind an applicant for an establishment license or an establishment licensee and a representative authorized to bind an applicant for a terminal operator license or a terminal operator licensee.

(6) A provision acknowledging that a terminal placement agreement may not be transferred or assigned without prior notice to the Board and verification that the individual or entity making the assignment is either a terminal operator applicant or terminal operator licensee and the individual or entity receiving the assignment of

the terminal placement agreement is either a terminal operator applicant or terminal operator licensee.

(b) A terminal placement agreement entered into by a truck stop establishment prior to October 31, 2017, with a person or entity for the placement, operation, service or maintenance of video gaming terminals, including an agreement granting a person or entity the right to enter into an agreement or match any offer made after October 31, 2017, is void and will not be approved by the Board.

#### **Chapter 1118. (Reserved)**

Sec.  
1118.1—1118.5. (Reserved).

#### **CHAPTER 1118a. COMPULSIVE AND PROBLEM GAMING**

Sec.  
1118a.1. Signage requirements.  
1118a.2. Problem gambling information.  
1118a.3. Problem gambling training.  
1118a.4. Advertising.  
1118a.5. Penalties.

##### **§ 1118a.1. Signage requirements.**

(a) An establishment licensee shall conspicuously post signs that include a statement providing all of the following:

(1) "If you or someone you know has a gambling problem, help is available. Call (1-800-GAMBLER)."

(2) At least one sign as provided in paragraph (1) shall be posted within the video gaming area and at least one sign shall be posted above or below the cash dispensing opening on each automated teller machine within the establishment licensee's premises.

(b) An establishment licensee shall post signs that include a statement providing all of the following:

(1) "It is unlawful for any individual under 21 years of age to enter. Individuals violating this prohibition will be removed and may be subject to arrest and criminal prosecution."

(2) The sign as provided in paragraph (1) shall be prominently posted at the entrance to a video gaming area.

##### **§ 1118a.2. Problem gambling information.**

An establishment licensee shall make available materials provided by the Board regarding compulsive and problem gaming as approved by the Board. The material shall be displayed conspicuously within the video gaming area of each establishment licensee.

##### **§ 1118a.3. Problem gambling training.**

(a) The Board will provide a mandatory training program addressing responsible gaming and compulsive and problem gambling issues for employees and management of an establishment licensee who oversee the establishment licensee's video gaming area.

(b) Establishment licensees shall pay a fee assessed by the Board to reimburse the Board for the cost of annual training to establishment licensee's employees and management subject to the training.

(c) At least one employee of the establishment licensee who holds a valid occupation permit and has successfully completed the training program shall be located on the premises and supervising the video gaming area during all times the video gaming terminals are available for play.

(d) Employees are required to receive the training at least once every calendar year.

(e) *Employee Training Verification:*

(1) The Office of Compulsive and Problem Gambling will provide a verification form template to each terminal operator licensee or may allow for another approved method of verification.

(2) Verifications will be maintained by the establishment licensee or the terminal operator licensee. The training verification must be completed by employee who receives the training.

(3) Each employee must provide the date of training completion, the employee's name and signature verifying the employee received the training.

**§ 1118a.4. Advertising.**

(a) Advertisements related to video gaming used by a terminal operator or establishment licensee or its agent may not:

- (1) Contain false or misleading information.
- (2) Fail to disclose conditions or limiting factors associated with the advertisement.
- (3) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting factors associated with the advertisement or the statement required under subsection (b).

(b) Advertisements must contain a gambling assistance message that is similar to one of the following:

- (1) If you or someone you know has a gambling problem, help is available. Call (toll free telephone number).
- (2) Gambling Problem? Call (toll free telephone number).
- (3) The text of the gambling assistance message and the font to be used for the statement must comply with in § 501a.7(e) (relating to advertising).

(c) A terminal operator or establishment licensee or its agent shall discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice that the Board's Office of Compulsive and Problem Gaming has determined that the use of the particular advertisement in this Commonwealth could adversely impact the public or the integrity of video gaming.

**§ 1118a.5. Penalties.**

An establishment licensee that fails to fulfill any of the requirements in this chapter shall be assessed an administrative penalty and may have its establishment license suspended or revoked by the Board, or may have a renewal of its licensed denied.

**Chapter 1119. (Reserved)**

Sec.  
1119.1—1119.5. (Reserved).

**CHAPTER 1119a. SELF-EXCLUSION**

- Sec. 1119a.1. Scope.
- 1119a.2. Definitions.
- 1119a.3. Requests for video gaming self-exclusion.
- 1119a.4. Video gaming self-exclusion list.
- 1119a.5. Duties of video gaming establishment licensees.
- 1119a.6. Removal from video gaming self-exclusion list.
- 1119a.7. Exceptions for individuals on the video gaming self-exclusion list.
- 1119a.8. Disclosures of information related to persons on the self-exclusion list.

**§ 1119a.1. Scope.**

The purpose of this chapter is to provide players with a process to self-exclude from video gaming activities in this Commonwealth and detail the process by which individu-

als may self-exclude themselves from video gaming activity and restore their ability to participate in video gaming activity in this Commonwealth.

**§ 1119a.2. Definitions.**

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

*OCPG*—The Office of Compulsive and Program Gambling of the Board.

*Video gaming activity*—The play of video gaming terminals at the premises of an establishment licensee.

*Video gaming related activity*—An activity related to the play of video gaming terminals including applying for player club memberships or credit, cashing checks, or accepting a complimentary gift, service, promotional item or other thing of value at an establishment licensee's premises.

*Video gaming self-excluded person*—A person whose name and identifying information is included, at the person's own request, on the video gaming self-exclusion list maintained by the Board.

*Video gaming self-exclusion list*—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to all of the following:

- (i) Excluded from the video gaming area where video gaming activity is conducted.
- (ii) Excluded from engaging in all video gaming related activities at an establishment licensee's facility.
- (iii) Prohibited from collecting any winnings or recovering any losses resulting from video gaming activity.

*Winnings*—Any money or thing of value received from, or owed by, an establishment licensee or terminal operator licensee as a result of a fully executed video gaming transaction.

**§ 1119a.3. Requests for video gaming self-exclusion.**

(a) A person requesting placement on the video gaming self-exclusion list shall submit a completed Request for Voluntary Self-Exclusion from Gaming Activities Form to the Board by one of the following methods:

- (1) Electronically on the Board's web site.
- (2) In person by scheduling an appointment at the Board's Harrisburg office, one of the Board's other offices or at a licensed facility. To make an appointment, a person shall contact the OCPG at (717) 346-8300 or [problemgambling@pa.gov](mailto:problemgambling@pa.gov).

(b) A request for video gaming self-exclusion must include all of the following identifying information:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.
- (5) Social Security number, or the last 4 digits of the individual's Social Security number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) Physical description of the person, including height, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.

(c) The information provided in subsection (b) shall be updated by the video gaming self-excluded person within



30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address, or submitted online in the "update my information" webform on the Board's web site. A copy of the form can be obtained by calling the OCPG at (717) 346-8300, by e-mail at [problemgambling@pa.gov](mailto:problemgambling@pa.gov) or by writing to:

PENNSYLVANIA GAMING CONTROL BOARD  
OFFICE OF COMPULSIVE AND  
PROBLEM GAMBLING  
P.O. BOX 69060  
HARRISBURG, PA 17106-9060

(d) The length of video gaming self-exclusion requested by a person must be one of the following:

- (1) One year (12 months).
- (2) Five years.
- (3) Lifetime.

(e) A request for self-exclusion from video gaming activities in this Commonwealth must include a signed release which:

(1) Acknowledges that the request for video gaming self-exclusion has been made voluntarily.

(2) Certifies that the information provided in the request for video gaming self-exclusion is true and accurate.

(3) Acknowledges that the individual requesting video gaming self-exclusion is or may be a problem gambler.

(4) Acknowledges that a person requesting a lifetime exclusion may only request removal from the video gaming self-exclusion list in accordance with the procedures set forth in § 1119a.6 (relating to removal from the video gaming self-exclusion list) and that a person requesting a 1-year or 5-year exclusion will remain on the video gaming self-exclusion list until the period of exclusion expires, unless removed from the list pursuant to the provisions of § 1119a.6(b).

(5) Acknowledges that if the individual is discovered participating in video gaming that individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board and all terminal operator licensees and establishment licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

(i) The failure of a terminal operator licensee or establishment licensee to withhold video gaming privileges from or restore video gaming privileges to a video gaming self-excluded person.

(ii) Otherwise permitting or not permitting a video gaming self-excluded person to engage in video gaming activities in this Commonwealth while on the list of video gaming self-excluded persons.

(iii) Confiscation of the individual's winnings.

(f) A person submitting a video gaming self-exclusion request shall present or submit electronically a copy of that person's valid government-issued identification containing the person's signature and photograph when the person submits the request, or if the person does not possess a valid government-issued identification, some other documentation to verify the identity of the person

(for example, a utility or other bill in the person's name at the same address provided).

(g) A person requesting video gaming self-exclusion under this chapter shall have a photograph taken by the Board, or agent thereof, upon submission of the request to be on the list.

(h) A person requesting video gaming self-exclusion electronically on the Board's web site shall submit a copy of a recent passport-style photograph of the person upon submission of the request to be on the list.

#### § 1119a.4. Video gaming self-exclusion list.

(a) The Board will maintain the video gaming self-exclusion list and will make all necessary additions or deletions of individuals removed from the list under 1119a.6 (relating to removal from video gaming self-exclusion list) within 5 business days of the verification of the information received under § 1119a.3 (relating to requests for video gaming self-exclusion) and shall make the video gaming self-exclusion list available to terminal operator licensees and establishment licensees electronically by the Board's self-exclusion system.

(b) The information made available to terminal operator licensees and establishment licensees by the Board's self-exclusion system will include the following information concerning a person who has been added to the video gaming self-exclusion list:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.

(5) Social Security number, or the last 4 digits of the individual's Social Security number, when voluntarily provided by the person requesting video gaming self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) Physical description of the person, including height, gender, hair color, eye color and other physical characteristic, that may assist in the identification of the person.

(7) A copy of the photograph taken by the Board or submitted electronically under § 1119a.3.

(c) The information made available to terminal operator licensees and establishment licensees by the Board concerning a person whose name has been removed from the video gaming self-exclusion list will include the name and date of birth of the person.

(d) A terminal operator licensee and establishment licensee shall maintain a copy of the video gaming self-exclusion list and establish procedures to ensure that the copy of the video gaming self-exclusion list is updated at least every 2 business days with the information made available by the Board's self-exclusion system and that all appropriate employees and agents of the establishment licensee are notified of any additions to or deletions from the list.

(e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter.

(f) Terminal operator licensees and establishment licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion from video gaming to anyone other than employees and agents of the terminal operator licensee or establishment licensee whose duties and functions require access to the information. Notwithstanding



the foregoing, a terminal operator licensee or establishment licensee may disclose the identity of a video gaming self-excluded person to appropriate employees of affiliated gaming entities in this or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.

(g) A video gaming self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any video gaming activity for the entire period of time that the person is on the Board's video gaming self-exclusion list.

(h) Winnings incurred by a video gaming self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(i) For the purposes of this section, winnings issued to, found on or about or redeemed by a video gaming self-excluded person shall be presumed to constitute winnings subject to remittance to the Board.

**§ 1119a.5. Duties of video gaming establishment licensees.**

(a) An establishment licensee shall train its employees and establish procedures to do all of the following:

(1) Identify a video gaming self-excluded person when present in the video gaming area and, upon identification, immediately notify employees of the establishment licensee whose duties include the removal of video gaming self-excluded persons.

(2) Deny video gaming related activities to a video gaming self-excluded person.

(3) Ensure that video gaming self-excluded persons do not receive, either from the video gaming establishment licensee or any agent thereof, targeted advertisements of video gaming activities at its premises.

(4) Notify the Pennsylvania State Police and the Bureau of the presence of a video gaming self-excluded person in the video gaming area.

(5) Prepare a report of the presence of a video gaming self-excluded person in a video gaming area on a form provided by the Board and to submit that completed form to the OCPG and the Bureau within 24 hours for each occurrence of a video gaming self-excluded person being present in a video gaming area, which may be submitted by the terminal operator.

(6) Make available to patrons written materials provided by the OCPG explaining the video gaming self-exclusion program.

(b) The list of video gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of 4 Pa.C.S. Part III (relating to video gaming).

(c) Under section 3903 of the act (relating to self-exclusion), establishment licensees and employees thereof may not be liable for damages in any civil action, which is based on the following:

(1) Failure to withhold video gaming privileges from or restore video gaming privileges to a video gaming self-excluded person.

(2) Permitting or not permitting a video gaming self-excluded person to gamble.

(3) Good faith disclosure of the identity of a video gaming self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.

(d) An establishment licensee shall report the discovery of a video gaming self-excluded person that did or attempted to engage in video gaming related activities to the director of the OCPG within 24 hours.

**§ 1119a.6. Removal from the video gaming self-exclusion list.**

(a) For individuals who are on the video gaming self-exclusion list for 1 year or 5 years, upon the conclusion of the period of self-exclusion, the individual will be removed from the video gaming self-exclusion list without further action on the individual's part.

(b) For individuals who have elected to be video gaming self-excluded for less than lifetime but has not yet reached the date of completion of the selected self-exclusion period, the individual may be removed from the video gaming self-exclusion list if all of the following has occurred:

(1) The individual has filed a petition with the Board's Office of Hearings and appeals requesting to be removed from the video gaming self-exclusion list.

(2) The individual has presented facts and circumstances which, in the Board's discretion, demonstrate a compelling reason for the Board to grant early removal from the video gaming self-exclusion list.

(3) The Board has found by a preponderance of the evidence that the person should be removed from the video gaming self-exclusion list and issues an order to that effect.

(c) For individuals who selected lifetime video gaming self-exclusion under § 1119a.3(d)(3) (relating to requests for video gaming self-exclusion):

(1) After being on the video gaming self-exclusion list for a period of 10 years, the individual may petition the Board to be removed from the video gaming self-exclusion list.

(2) The petition shall be filed with the Board in writing, and shall be accompanied by all of the following:

(i) Documentation from a treatment provider who is certified by the International Gambling Counselor Certification Board or who has received a Problem Gambling Endorsement from the Pennsylvania Certification Board to conduct problem gambling assessments that the individual has completed a problem gambling assessment.

(ii) Documentation from a treatment provider that the individual has completed the treatment recommendation, if any, made after the assessment by the state-funded problem gambling treatment provider.

(3) After the petition is filed, OCPG will provide documentation to the Office of Enforcement Counsel regarding whether the individual has been known to engage in or attempt to engage in video gaming while self-excluded, including dates and times.

(4) The petition shall be handled in accordance with the procedures for petitions found in Subpart H of the Board's regulations, including all confidentiality provisions.

(5) As the petitioner, the video gaming self-excluded individual filing the petition for removal from the video gaming self-exclusion list bears the burden of proof in showing that removal from the list would not be detrimental to the individual's physical or mental well-being and would not have a negative impact on gaming in the Commonwealth.

(6) If the Board:

(i) Grants the petition, it shall deliver to the individual by first class mail an Order approving the petition for removal from the video gaming self-exclusion list, and provide to the individual the contact information for the OCPG for information on how to complete the removal process.

(ii) Denies the petition, it shall deliver to the individual by first class mail an Order denying the petition for removal from the video gaming self-exclusion list, which shall notify the individual that he or she shall remain on the video gaming self-exclusion list and include the reason for denial.

(7) Any petitioner whose petition is denied by the Board shall be prohibited from filing a subsequent petition for removal from the lifetime video gaming self-exclusion list for a period of 5 years from the date of denial.

**§ 1119a.7. Exceptions for individuals on the video gaming self-exclusion list.**

The prohibition against allowing video gaming self-excluded persons to engage in activities related to video gaming does not apply to an individual who is on the video gaming self-exclusion list if all of the following apply:

(1) The individual is carrying out the duties of employment or incidental activities related to employment.

(2) The individual does not otherwise engage in any video gaming activities.

**§ 1119a.8. Disclosures of information related to persons on the self-exclusion list.**

(a) The Board may periodically release to the public demographics and general information regarding the video gaming self-exclusion lists such as the total number of individuals on the list, gender breakdown and age range.

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not disclose identifying information or confirm or deny the existence of an individual's name on the Board's video gaming self-exclusion list.

**Chapter 1120. (Reserved)**

Sec.

1120.1—1120.9. (Reserved).

**CHAPTER 1120a. EXCLUSION OF PERSONS FROM VIDEO GAMING**

Sec.

- 1120a.1. Definitions.
- 1120a.2. Maintenance and distribution of the exclusion list.
- 1120a.3. Criteria for exclusion or ejection.
- 1120a.4. Duties of the Bureau and the Office of Enforcement Counsel.
- 1120a.5. Placement on the exclusion list.
- 1120a.6. Demand for hearing on the exclusion of a person.
- 1120a.7. Board review.
- 1120a.8. Duties of establishment licensees.
- 1120a.9. Petition to remove name from the exclusion list.

**§ 1120a.1. Definitions.**

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

*Career or professional offender*—A person, who for the purpose of economic gain, engages in activities that are deemed criminal violations under 18 Pa.C.S. (relating to Crimes Code) or equivalent criminal violations in other

jurisdictions, or engages in unlawful activities in section 1518(a) of the act (relating to prohibited acts; penalties).

*Excluded person*—A person who has been placed upon the exclusion list and who is required to be excluded or ejected from an establishment licensee facility.

*Exclusion list*—A list of names of persons who are required to be excluded or ejected from an establishment licensee's facility.

*OCPG*—The Office of Compulsive and Problem Gambling of the Board.

**§ 1120a.2. Maintenance and distribution of the exclusion list.**

(a) The Board will maintain a list of persons to be excluded or ejected from an establishment licensee facility.

(b) The exclusion list will be distributed to every terminal operator licensee and establishment licensee in this Commonwealth, who shall acknowledge receipt thereof in writing or electronically.

(c) All of the following information will be provided to the terminal operator licensee and establishment licensee for each person on the exclusion list:

(1) The full name and all aliases the person is believed to have used.

(2) A description of the person's physical appearance, including height, weight, type of build, color of hair and eyes, and other physical characteristics which may assist in the identification of the person.

(3) The person's date of birth.

(4) The date the person was added to the list.

(5) A recent photograph, if available.

(6) The last known address of record.

(7) Other identifying information available to the Board.

(8) The reason for placement on the excluded persons list.

**§ 1120a.3. Criteria for exclusion or ejection.**

(a) The exclusion list may include a person who meets one or more of the following criteria:

(1) A career or professional offender whose presence in an establishment licensee's facility would, in the opinion of the Board, be inimical to the interest of the Commonwealth or of licensed video gaming therein, or both.

(2) An individual with a known relationship or connection with a career or professional offender whose presence in an establishment licensee's facility would be inimical to the interest of the Commonwealth or of licensed video gaming therein, or both.

(3) A person who has been convicted of a criminal offense under the laws of any state, or of the United States, which is punishable by 1 year or more in prison, or who has been convicted of any crime or offense involving moral turpitude, and whose presence in an establishment licensee facility would be inimical to the interest of the Commonwealth or of licensed video gaming therein, or both.

(4) A person whose presence in an establishment licensee facility would be inimical to the interest of the Commonwealth or of licensed gaming therein, or both, including:

(i) Persons who cheat.

(ii) Persons whose gaming privileges have been suspended by the Board.

(iii) Persons whose Board permits, licenses, registrations, certifications or other approvals have been revoked.

(iv) Persons who pose a threat to the safety of the patrons, employees or persons on the property of an establishment licensee's facility.

(v) Persons with a history of conduct involving the disruption of the gaming operations within a licensed facility or establishment licensee facility.

(vi) Persons subject to an order of a court of competent jurisdiction in this Commonwealth excluding those persons from licensed facilities or establishment licensee facilities.

(vii) Persons who have been charged, indicted or convicted of a gambling crime or a crime related to the integrity of gaming operations in this Commonwealth or another jurisdiction.

(viii) Persons who have performed an act or have a notorious or unsavory reputation that would adversely affect public confidence and trust in gaming.

(b) For purposes of subsection (a), a person's presence may be considered inimical to the interest of the Commonwealth or of licensed video gaming therein, or both if known attributes of the person's character and background meet one or more of the following criteria:

(1) Are incompatible with the maintenance of public confidence and trust in the credibility, integrity and stability of the operation of a establishment licensee facility.

(2) May reasonably be expected to impair the public perception of, and confidence in, the strict regulatory process created by 4 Pa.C.S. Part III (relating to video gaming).

(3) Create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto.

(c) A finding of inimicality may be based upon the following:

(1) The nature and notoriety of the character or background of the person.

(2) The history and nature of the involvement of the person with licensed gaming in this Commonwealth or another jurisdiction.

(3) The nature and frequency of contacts or associations of the person with an establishment licensee.

(4) Other factors reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of video gaming operations.

(d) A person's race, color, creed, national origin or ancestry, or sex will not be a reason for placing the name of a person upon the exclusion list.

**§ 1120a.4. Duties of the Bureau and the Office of Enforcement Counsel.**

(a) The Bureau will, on its own initiative, or upon referral by a law enforcement agency or an establishment licensee, investigate a person to determine whether the person meets the criteria for exclusion provided in 4 Pa.C.S. § 3901 (relating to exclusion or ejection of certain persons) and § 1119a.3 (relating to requests for video gaming self-exclusion).

(b) If, upon completion of an investigation, the Bureau determines that an individual should be placed on the exclusion list, the Office of Enforcement Counsel will file a petition for exclusion with the Clerk identifying the candidate and setting forth a factual basis for the petition. The petition must include information demonstrating that the individual satisfies the criteria for exclusion or ejection under 4 Pa.C.S. § 3901 or this chapter.

**§ 1120a.5. Placement on the exclusion list.**

(a) A person may be placed on the exclusion list upon any of the following:

(1) Entry of an order of the Board.

(2) Receipt of an order from a court of competent jurisdiction in this Commonwealth, excluding or ejecting the person from establishment licensee facilities in this Commonwealth.

(b) The placement of a person on the exclusion list shall have the effect of requiring the exclusion or ejection of the excluded person from establishment licensee facilities.

(c) An excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the Board's exclusion list.

(d) Winnings incurred by an excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(e) For the purposes of this section, any winnings issued to, found on or about, or redeemed by an excluded person shall be presumed to constitute winnings subject to remittance to the Board.

**§ 1120a.6. Demand for hearing on the exclusion of a person.**

(a) Upon the filing of a petition for exclusion, the Office of Enforcement Counsel will serve the petition upon the person by personal service or certified mail at the last known address of the person. The notice will inform the person of the right to a hearing under 4 Pa.C.S. § 3901(h) (relating to exclusion or ejection of certain persons) and include a copy of the petition.

(b) Upon service of the petition, the person subject to the petition shall have 30 days to demand a hearing before the Board or presiding officer. Failure to demand a hearing within 30 days after service will be deemed an admission of all matters and facts alleged in the Office of Enforcement Counsel's petition for exclusion and preclude the person from having an administrative hearing.

(c) If a formal hearing is demanded by the person named in the petition for exclusion, a hearing will be scheduled as provided in § 491a.8 (relating to hearings generally). At the hearing, the Office of Enforcement Counsel will have the burden of proof to demonstrate that the person named in the petition for exclusion satisfies the criteria for exclusion in 4 Pa.C.S. § 3901 or § 1120a.3 (relating to criteria for exclusion or ejection). Unless the matter is heard directly by the Board, the presiding officer will prepare a report and recommendation as provided in § 494a.4 (relating to report or report and recommendation of the presiding officer) for consideration by the Board.

**§ 1120a.7. Board review.**

After a hearing, or if a hearing was not requested and the facts in the petition are deemed admitted, the Board may:



(1) Issue an order placing the person's name on the exclusion list.

(2) Issue an order removing or denying the placement of the person's name on the exclusion list.

(3) Refer the matter to a presiding officer for further hearing.

**§ 1120a.8. Duties of establishment licensees.**

(a) Establishment licensees shall establish procedures to prevent violations of this chapter and submit a copy of the procedures to the Director of OCPG 30 days prior to initiation of gaming activities at the establishment licensee's facility. An establishment licensee will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. The establishment licensee may not commence operations until the Director of OCPG approves the procedures. Amendments to these procedures shall be submitted to and approved by the Director of OCPG prior to implementation.

(b) Establishment licensees shall distribute copies of the exclusion list to the appropriate employees. Additions, deletions or other updates to the list shall be distributed by an establishment licensee to its employees within 2 business days of the establishment licensee's receipt of the updates from the Board.

(c) An establishment licensee shall exclude or eject from its establishment licensee facility all of the following:

- (1) An excluded person.
- (2) A self-excluded person.

(d) If an excluded person enters, attempts to enter or is in an establishment licensee facility and is recognized by employees of the establishment licensee, the establishment licensee shall do all of the following:

(1) Immediately notify law enforcement with jurisdiction over the establishment licensee's facility.

(2) Notify the Director of OCPG and the Bureau in writing within 24 hours.

(e) The establishment licensee has the continuing duty to inform the Bureau, in writing, of the names of persons the establishment licensee believes are appropriate for placement on the exclusion list.

**§ 1120a.9. Petition to remove name from the exclusion list.**

(a) An excluded person may file a petition with the Clerk to request a hearing for removal of his name from the exclusion list at any time after 5 years from the placement of his name on the exclusion list.

(b) The petition shall be signed by the excluded person, contain supporting affidavits and state the specific grounds believed by the petitioner to constitute good cause for removal from the exclusion list. Upon receipt of the petition, the Office of Enforcement Counsel may file an answer in accordance with § 493a.5 (relating to answers to complaints, petitions, motions and other filings requiring a response).

(c) An excluded person who is barred from requesting a hearing concerning his removal from the exclusion list by the 5-year period of exclusion in subsection (a) may petition the Board for early consideration at any time. An excluded person may not, within the 5-year period of exclusion, file more than one petition for early consideration.

(d) A petition for early consideration must contain the information required under subsection (b). Upon receipt of the petition, the Office of Enforcement Counsel may file an answer in accordance with § 493a.5.

(e) The Board will consider, when making its decision on a petition for early consideration, the nature of the facts and circumstances giving rise to the person's placement on the exclusion list, and whether there are extraordinary facts and circumstances warranting early consideration of the excluded person's request for removal from the exclusion list.

[Pa.B. Doc. No. 21-1313. Filed for public inspection August 20, 2021, 9:00 a.m.]

## Title 70—WEIGHTS, MEASURES AND STANDARDS

### DEPARTMENT OF GENERAL SERVICES

#### [ 70 PA. CODE CH. 110 ]

#### State Metrology Laboratory Fee Schedule

The Department of General Services (Department or DGS) amends § 110.2 (relating to State Metrology Laboratory fee schedule) to read as set forth in Annex A.

This final-form rulemaking increases the existing State Metrology Laboratory fees and updates description fields to accurately reflect the parameters and ranges covered under the National Institute of Standards and Technology (NIST) Office of Weights and Measures Certificate of Metrological Traceability and the NIST National Voluntary Laboratory Accreditation Program Scope of Accreditation used by the State Metrology Laboratory.

*Authority*

This final-form rulemaking is authorized under 3 Pa.C.S. §§ 4101—4194 (relating to Consolidated Weights and Measures Act), under 3 Pa.C.S. § 4178 (relating to fees) the Department is required to establish, by regulation, fees for metrology laboratory calibration, type evaluation and other testing services. Section 4178 of 3 Pa.C.S. provides that the Department shall alter these fees by regulation. This final-form rulemaking increases fees to ensure the costs for the testing services rendered by the laboratory are borne by the parties who are receiving the services and not by the taxpayers.

*Need for the Final Regulation*

The final regulation fulfills the statutory requirement that the Department establish, charge and collect the fees described in 3 Pa.C.S. § 4178. Currently, the State Metrology Laboratory (Laboratory) provides these services based upon a fee schedule established in 2010. This final-form rulemaking will allow the Commonwealth to charge fees for the services provided that ensure that the cost of performing these testing services is borne by the parties who are receiving the services and not by the taxpayers.

This final-form rulemaking will increase the fees charged for metrology laboratory calibration, type evaluation and other services performed by the Laboratory. These fees were last increased in 2010. The amount of that increase was based upon average metrology fees charged by other state metrology laboratories in 2006. By the time the metrology laboratory began charging the fees that were increased by regulation in 2010, the fees

collected were insufficient to cover the costs for the testing services rendered by the Laboratory, and this trend continued. For example, in Fiscal Year (FY) 2016-2017, the cost to run the Laboratory was \$682,503.69, and the fees collected totaled \$292,421.85, resulting in a shortfall of \$390,081.84. In FY 2017-2018, the cost to run the Laboratory was \$701,509.06, and the fees collected totaled \$247,403.86, resulting in a shortfall of \$454,105.20. In FY 2018-2019, the cost to run the Laboratory was \$735,898.19, and the fees collected totaled \$265,586.10 resulting in a shortfall of \$470,312.09. In FY 2019-2020, the cost to run the Laboratory was \$728,769.70, and the fees collected totaled \$244,846.55, resulting in a shortfall of \$483,923.15. Over the past 4 years, the Metrology Laboratory has had a total shortfall of \$1,798,422.28. This \$1,798,422.28 has not been borne by the primarily commercial customers of the laboratory who have benefited from the low fees charged by the Laboratory for the past 10 years. Instead, it has been borne by the taxpayers, and will continue to be borne by the taxpayers unless the fees are increased to cover this shortfall.

This final-form rulemaking updates the description fields to accurately reflect the parameters and ranges covered under the NIST Office of Weights and Measures Certificate of Metrological Traceability and the NIST National Voluntary Laboratory Accreditation Program Scope of Accreditation used by the State Metrology Laboratory.

In summary, the Department is satisfied there is a need for the final regulation, and that it is otherwise consistent with Executive Order 1996-1, Regulatory Review and Promulgation.

#### *Summary of the Final Regulation*

This final-form rulemaking increases the fees charged for metrology laboratory calibration, type evaluation and other services performed by the Laboratory to cover the costs for the testing services rendered by the Laboratory. The Department calculated each fee by averaging the fees reported from a 2013 survey the Department conducted of seven State-operated laboratories and one county-operated laboratory, then updating those averages by 16.71% which is the historical average fee increase calculated from data in the National Conference of Standards Laboratories (NCSL) State Laboratory Program Workload Surveys. The Department then rounded those fees to the nearest \$5. The Department benchmarked these fees against fees charged by other jurisdictions and commercial companies. While the proposed fees will be higher than the fees charged by some states in some instances, many other states' fees have also not been increased in many years. In addition, the fees charged by commercial companies are generally higher than the proposed fees.

This final-form rulemaking updates description fields to accurately reflect the parameters and ranges used by the State Metrology Laboratory.

#### *Persons Likely to be Affected*

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighing and measuring devices will be charged fees according to the proposed fee schedule. State Metrology Laboratory customers, including small businesses, have benefitted from the fees that have not increased since 2010 despite increasing personnel costs for State Metrology Laboratory employees and increasing costs to maintain or replace Laboratory equipment.

Updates to the description fields will accurately reflect the parameters and ranges used by the State Metrology Laboratory and should not affect any group or entity.

#### *Fiscal Impact*

##### *Commonwealth*

The estimated annual revenue to the Commonwealth (the Department) from this final-form rulemaking is approximately \$645,094. This final-form rulemaking should not result in additional costs to the Commonwealth.

##### *Political Subdivisions*

No other government entity will incur any costs or realize any savings.

##### *General public*

This final-form rulemaking will impose no costs and have no fiscal impact on the general public. However, the fee increase will ensure that the cost of performing State Metrology Lab testing services is borne by the parties who are receiving the services and not by the taxpayers.

##### *Private sector*

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighing and measuring devices will be charged fees according to the proposed fee schedule. The anticipated fee per user is estimated to be \$1,233, which is a \$736 increase from the current \$497 average fee per user. All State Metrology Laboratory customers, including small businesses, have benefitted from the fees that have not increased since 2010 despite increasing personnel costs for State Metrology Laboratory employees and increasing costs to maintain or replace Laboratory equipment.

##### *Paperwork Requirements*

This final-form rulemaking will not result in an increase in paperwork for the Laboratory, which already is required to issue invoices, collect payments and transmit payments to the State Treasury. Similarly, under 3 Pa. C.S. 4193(c) (relating to disposition of funds), the Treasury Department will have no increase in paperwork. There will be no increase in paperwork for the regulated community.

##### *Effective Date*

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

##### *Sunset Date*

There is no sunset date for this final-form rulemaking. The Department will review the efficacy of this regulation on an ongoing basis.

##### *Public Comment Period*

During the public comment period, the Department received one comment from the former House State Government Committee Chairman, the Honorable Representative Garth Everett, who raised concerns regarding the magnitude of the proposed fees and their impact on small businesses. In an effort to alleviate House State Government Chairman, the Honorable Garth Everett's concerns, the Department invited Chairman Everett to the Laboratory and gave him a tour of its operations, explained its functions, and demonstrated its cost drivers. The Department believes that Metrology is not a field that many people understand, and many likely do not even know such a field exists. The Department hopes that the meeting with the Honorable Chairman Garth Everett alleviated his concerns regarding the fee increase and

helped him to understand why the fee increase is necessary. Notwithstanding the Honorable Chairman Garth Everett's concerns, this fee increase is necessary to ensure that the increasing costs to run the Metrology Laboratory are no longer borne by the taxpayers but are instead borne by those entities that directly benefit from the Metrology Lab's services and who have benefitted from 10 years of low fees.

*Independent Regulatory Review Commission (IRRC)  
Comment/Response*

The Department states in response to RAF # 10 that the regulation will allow the Commonwealth to charge an appropriate fee for the services provided, this ensuring that the cost of performing these testing services is borne by the parties who are receiving the services and not by taxpayers. The Preamble states that over the past four years, the State Metrology Laboratory (Laboratory) has had a total shortfall of approximately \$1.6 million. Based on the Department's response to RAF # 15, we note that the fees appear to be increasing on average by 160 percent. While we recognize that the Department is statutorily required by Section 4178 of the Consolidated Weights and Measures Act to charge and collect fees for actual metrology laboratory calibration, type evaluation and any other testing services which may be rendered (3 Pa.C.S. § 4178), this increase is significant. House State Government Chairman Garth Everett comments that Pennsylvania's fees would be among the highest in the cost comparison study submitted by the Department. We ask the Department to explain how the economic impact of the fees and the percentage increase of fees are reasonable and in the public interest.

DGS recognizes that these fee increases are substantial. However, the regulation will simply allow the Commonwealth to charge an appropriate fee for the services provided, thus ensuring that the cost of performing these testing services is borne by the parties who are receiving the services and not by the taxpayers. DGS is not seeking to profit from this fee increase; they are simply looking to shift the cost burden of running the Laboratory from the taxpayers (who do not receive the direct benefit of the Laboratory's services) to those entities that are commercially benefiting from its use. This increase should not be seen as a financial burden to those entities; rather it is "righting the ship" to place the burden on those who receive the benefit, which is clearly in the public interest.

Also, while the percentage of the increase is large, it is a reasonable increase for two reasons. First, the increase is necessary to cover the costs of running the Laboratory. Second, the parties that use the services provided by the Laboratory have benefitted from ten years of fees that were significantly lower than the actual costs to provide the services. Although the fees would be among the highest charged per our cost comparison study, those other jurisdictions that DGS used as a benchmark for their comparisons have not raised their fees since 2012 or 2013, suggesting that their fees may now be outdated based upon the continually increasing costs to run these types of laboratories.

In an effort to alleviate House State Government Chairman Garth Everett's concerns, DGS invited Chairman Everett to the Laboratory and gave him a tour of its operations, explained its functions, and demonstrated its cost drivers. We believe that Metrology is not a field that many people understand, and many likely do not even know such a field exists. We hope that our meeting with

Chairman Everett alleviated his concerns regarding the fee increase and helped him to understand why the fee increase is necessary.

DGS also recognizes that the need for such a significant increase is due in a large part to DGS not seeking more incremental fee increases over the past ten years. To avoid the need for such a substantial increase in the future, DGS commits to conducting an analysis at the end of each fiscal year to ensure that the fee increase was sufficient to cover the costs of the State Metrology Laboratory for that fiscal year. DGS will also make the commitment to closely monitor the fees and take steps to do fee adjustments in the future that are more incremental.

In response to RAF # 28, the Department explains that in October 2013, the Department calculated the average of the fees charged by seven state laboratories (California, Hawaii, Missouri, Oklahoma, South Carolina, Virginia and Vermont) and one county laboratory (Los Angeles County, California) over a twelve-year period for each parameter and used that as the baseline fee. The Department then updated those average baseline fees by a calculated historical average fee increase of 16.71 percent (using data from 2000 to 2012 biennial NCSL State Laboratory Program Workload Surveys) to determine the fees in the proposed regulation. It has been six years since the Department's last fee increase; why is the Department using a 12-year average rather than a six-year average? We ask the Department to provide the specific fees charged by the labs in the seven states and one county, and to show how each fee in the final-form regulation is calculated and that each fee is in line with the other states. Additionally, we ask the Department to explain why the method used for calculating fees in the final-form regulation is reasonable and in the public interest.

In October 2013 DGS conducted a survey of fees charged by reporting laboratories in the NCSL State Laboratory Program Workload Survey. There were seven state operated laboratories (California, Hawaii, Missouri, Oklahoma, South Carolina, Virginia and Vermont) and one county laboratory (Los Angeles County, California) that raised their fees in 2012 or 2013 due to increasing costs. DGS averaged the fees reported from these laboratories for each parameter as the baseline fee. DGS then updated those average baseline fees by the calculated historical average fee increase of 16.71% using data from 2000 to 2012 biennial NCSL State Laboratory Program Workload Surveys. DGS then rounded those fees to the nearest \$5. DGS used the twelve years in calculating the historical average fee increase because that was all the published data available at that time. DGS's methodology in calculating the increase in this way was completed in good faith. In addition, the increased fees calculated based upon this methodology were sufficient to cover the Laboratory's anticipated costs starting in Fiscal Year 2021/22.

The specific fees charged by the labs in the seven states and one county, and the methodology showing how each fee in the final-form regulation is calculated and is in line with the other states, are set forth in the Fee Proposal and Justification for Cost Increase workbook. The tabs in this workbook provide calculations outlining both the historical and projected shortages by fiscal year if the current fees were to remain in place, a projected calculation of the amounts in which the proposed fees would cover the Laboratory's costs, national fee comparisons for 2016 and 2018, an analysis of the difference between the current and proposed fees, a description of how the



baseline fees were calculated, a historical change table showing the average fee increases over a 10 year period for laboratories participating in the state laboratory program workload survey, and a survey of fees charged by laboratories in neighboring states.

DGS's methodology for calculating fees in this way is reasonable and in the public interest for the following reasons. First and most importantly, the fee increase would help to cover increasing costs (in the form of salary and benefit increases, purchases to maintain metrological traceability for laboratory standards, training required to maintain laboratory accreditation and necessary equipment replacement) associated with Pennsylvania's State Metrology Laboratory's services. This is important because the cost burden of running the Laboratory has, for the past 10 years, been borne by taxpayers who do not receive the direct benefit of the Laboratory's services. This fee increase would shift that burden to those entities that are commercially benefiting from its use (and who have benefitted from the low fees for the past 10 years). Finally, the fees are in line with fees charged by other jurisdictions as further outlined in Fee Proposal and Justification for Cost Increase, Baseline Fee Calculation tab.

In response to RAF # 12, the Department states that the proposed fees are in line with fees charged by the labs in the seven states and one county referenced above. Why did the Department choose those states rather than states surrounding Pennsylvania? Did the Department consider using Pennsylvania-based data? The Department states in the Preamble that the 2010 fee increases were based on data from other states, as well, and, as indicated by the approximately \$1.6 million deficit, were inadequate to meet the cost to run the Laboratory. We ask the Department to evaluate the use of data specific to Pennsylvania in determining the fees in the final-form regulation, and to explain why the data used for calculating fees in the final regulation is reasonable and in the public interest.

When DGS first considered pursuing a fee increase in 2013, we conducted a survey of all state labs and decided to use the labs that raised their fees in 2012 and 2013 as the baseline for our survey, which is the reason for choosing the seven states and one county laboratory to use as a comparison benchmark. Since those fees had been recently evaluated at the time, we were hopeful they would be reflective of the amounts required to cover those state laboratories' costs.

In September 2019, DGS also conducted a metrology fee survey of our neighboring state labs (Maryland, Ohio, New York, New Jersey and West Virginia). See, Fee Proposal and Justification for Cost Increase, Neighbor Labs Fee Survey 2019 tab. Below are the key points from our survey which demonstrate why our neighboring states' fees should only be used as a benchmark for the reasonableness of our Laboratory fees and should not be looked at as a direct comparison:

1. On average, our neighboring states' lab fees were last updated in 2008;
2. The New York state lab fee structure has not been updated since the fees were put in place in 1998;
3. The laboratory scopes and ranges of the fees charged by other states do not necessarily align with our scopes and ranges. For example, New Jersey can't calibrate above 1,000 lbs. and Maryland doesn't calibrate above 50 lbs. However, Pennsylvania has no limits on the calibration weights. The additional range requires more

standards and greater material handling capability, resulting in a greater cost; and

4. The calibration intervals in different states' Weights and Measures laws do not align. For example, New York requires calibration on Class F Weight Sets every five years, and West Virginia requires calibration on provers (liquid flow calibration device) over 400 gallons every five years, but Pennsylvania requires annual calibration for all items. Therefore, New York and West Virginia only suffer the loss every five years, while Pennsylvania suffers the loss every year.

DGS has not considered using Pennsylvania-based data for a number of reasons. We are the only state-run laboratory in Pennsylvania. The other metrology laboratories in Pennsylvania that DGS is aware of are typically lower-level labs that rely on the Pennsylvania laboratory for their own calibration. In addition, the scopes of accreditation for the Pennsylvania laboratory do not align with services provided by other Pennsylvania-based laboratories. For example, DGS is unaware of any Pennsylvania-based laboratories that conduct volume calibrations in Pennsylvania.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 18, 2019, the Department submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 3313 (June 29, 2019), to IRRC and the Chairpersons of the House State Government Committee and Senate State Government Committee on June 18, 2019, for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department is required to submit to IRRC and the House State Government Committee and Senate State Government Committee copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC and the House State Government Committee and Senate State Government Committee. The Department did not receive any comment from the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on July 14, 2021, the final-form rulemaking was deemed approved by the House State Government Committee and the Senate State Government Committee. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 15, 2021, and approved the final-form rulemaking.

*Contact Person*

Additional information may be obtained by contacting Mary Fox, Assistant Chief Counsel, Department of General Services, North Office Building, 401 North Street, Room 603, Harrisburg, PA 17120 or by e-mail at maryfo@pa.gov.

*Findings*

The Department of General Services finds that:

(1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1969 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated under those sections at 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) The increases to the existing State Metrology Laboratory fees and updates description fields to accurately reflect the parameters and ranges covered under the NIST Office of Weights and Measures Certificate of Metrological Traceability and the NIST National Voluntary Laboratory Accreditation Program Scope of Accreditation used by the State Metrology Laboratory are necessary and appropriate for administering and enforcing the authorizing act identified in this Preamble.

*Order*

The Department acting under the authorizing statutes orders that:

(a) The regulations of the Department of General Services, 70 Pa. Code Chapter 110, are amended by amending § 110.2, to read as set forth in Annex A.

(b) The Department of General Services shall submit this order and Annex A to the Office of Attorney General

and Office of General Counsel for approval as required by law.

(c) The Department of General Services shall submit this final-form regulation to IRRC and the Legislative Standing Committees as required by law.

(d) The Department of General Services shall certify this final-form regulation, as approved for form and legality, and shall deposit it with the Legislative Reference Bureau as required by law.

(e) The regulations shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

CURTIS M. TOPPER,  
*Secretary*

*(Editor's Note: See 51 Pa.B. 4174 (July 31, 2021) for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 8-27 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 70. WEIGHTS, MEASURES AND STANDARDS**

**PART V. STATE METROLOGY LABORATORY**

**CHAPTER 110. GENERAL PROVISIONS**

**§ 110.2. State Metrology Laboratory fee schedule.**

\* \* \* \* \*

(c) *Schedule of fees.* The State Metrology Laboratory shall charge the following fees for the indicated calibration services:

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Precision mass	ASTM or OIML Class weights calibrated by use of the Mass Code 50 lb to 0.001 lb, 30 kg to 1 mg	\$75 per man-hour
Precision mass	ASTM Class 1, 2, 3, 4 OIML Class E2, F1, F2 or best calibration not to a specific class 1000 lb to 0.001 lb 30 kg to 1 mg	\$65 per weight
Ordinary mass, Small	NIST Class F ASTM 5, 6, 7 OIML M1, M1-2, M2, M2-3, M3 10 lb to 0.001 lb 5 kg to 1 mg	\$20 per weight (without adjustment) \$40 per weight (with adjustment)
Ordinary mass, Medium	NIST Class F ASTM 5, 6, 7 OIML M1, M1-2, M2, M2-3, M3 100 lb to >10 lb 50 kg to >5 kg	\$20 per weight (without adjustment) \$40 per weight (with adjustment)
Ordinary mass, Large	NIST Class F ASTM 5, 6, 7 OIML M1, M1-2, M2, M2-3, M3 6,000 lb to >100 lb 2,500 kg to >50 kg	\$45 per weight (without adjustment) \$70 per weight (with adjustment)
Ordinary mass	Weight Carts 2,000 lb to 6,000 lb	\$315 per cart
Volume transfer	Test Measures 5 gallon 5 liter to 20 liter	\$120 per measure (includes adjustment)
Volume transfer	Provers 10 gallon to 100 gallon 40 liter to 378 liter	\$440 per prover (includes adjustment)

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Volume transfer	Provers 101 gallon to 1,500 gallon 379 liter to 5,000 liter	\$440 plus \$1 per each additional gallon over 100 gallon (includes adjustment)
Gravimetric Calibrations	Test Measures 1 gallon to 10 gallon 5 liter to 20 liter	\$825 per item
Gravimetric Calibrations	Provers 11 gallon to 130 gallon 21 liter to 500 liter	\$1,640 per item
Length Calibrations	Metal Tapes to 200 feet	\$40 per point tested
Timing Devices	Stopwatches to 24 hours	\$70 per item
Wheel Load Weighers	NIST Handbook 44 Class III Scales to 20,000 lb	\$70 per scale
Force Gauges	to 50 lbf	\$180 per gauge
Special Tests		\$75 per man-hour

(d) *Payment of fees.* A nonrefundable deposit for the estimated fee shall be submitted when the calibration request is made. Fees are payable at the time the metrology service is provided, regardless of whether the item calibrated is certified or approved.

[Pa.B. Doc. No. 21-1314. Filed for public inspection August 20, 2021, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on application received for the week ending August 10, 2021.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
08-10-2021	Robert Dong H. Lee Alpine New Jersey  Kum H. Lee Great Neck New York  Application for approval to collectively acquire more than 5% of the shares of the voting common stock of Noah Bank, Elkins Park, PA.	Withdrawn

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
07-30-2021	ESSA Bank & Trust Stroudsburg Monroe County	6302 Route 309 New Tripoli Lehigh County	Closed

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
07-31-2021	Prosper Bank Coatesville Chester County  Amendment to Article I of the institution's Articles of Incorporation provides for a change of the corporate title of the bank to Presence Bank.  Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	Effective

### CREDIT UNIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
07-07-2021	From: Members Choice Financial Credit Union Danville Montour County  To: MC Federal Credit Union Danville Montour County  Application for approval to convert from a Pennsylvania State-chartered credit union to a Pennsylvania Federal credit union.	Effective

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
08-05-2021	Diamond Credit Union Pottstown Montgomery County	Filed

Amendment to Article IV, Section 7 of the institution's Articles of Incorporation provides for a change to the Credit Union's field of membership.

Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.

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. 21-1315. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Wild Resource Conservation Program Public Input

The Department of Conservation and Natural Resources (Department) gives an invitation for public input from interested persons to make recommendations to the Wild Resource Conservation Board (Board) regarding the allocation of funds to the conservation of wild resources in this Commonwealth.

Due to the novel coronavirus (COVID-19) pandemic, in-person hearings are not taking place. Therefore, the Department will accept written comments only. For information on this year's grant priorities, visit the Department's Wild Resource Conservation Program web site at <https://www.dcnr.pa.gov/Conservation/Biodiversity/WildResourceConservationProgram/Pages/default.aspx>. Comments should be e-mailed or postmarked on or before Monday, September 20, 2021, to make recommendations to the Board about grant funding in Fiscal Year 2021-2022.

Comments should be e-mailed to [RA-WRCP@pa.gov](mailto:RA-WRCP@pa.gov).

Hard-copy comments should be mailed to the Wild Resource Conservation Program, Rachel Carson State Office Building, P.O. Box 8552, Harrisburg, PA 17105-8552.

Questions concerning this request for public comment can be directed to Jennifer Girton, (717) 787-3212, [jgirton@pa.gov](mailto:jgirton@pa.gov); or Rebecca Bowen, (717) 772-0258, [rebbowen@pa.gov](mailto:rebbowen@pa.gov). Individuals who plan to make comments should contact either Jennifer Girton or Rebecca Bowen.

Persons in need of accommodations as provided for the Americans With Disabilities Act of 1990 should contact Rebecca Bowen directly at (717) 772-0258 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 21-1316. Filed for public inspection August 20, 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. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP’s tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice). Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications and NOIs may be reviewed at the DEP office that received the application or NOI. Contact information for each DEP office for Sections I & II is listed as follows. Contact information for Section III is available within the table. Members of the public are encouraged to use DEP’s website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs in Sections I & II and to submit comments for those application and NOIs, when applicable, is as follows:

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES\_SERO@pa.gov.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES\_NERO@pa.gov.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES\_SCRO@pa.gov.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES\_NCRO@pa.gov.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES\_SWRO@pa.gov.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES\_NWRO@pa.gov.*

*DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES\_Permits@pa.gov.*

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.



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

**I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2696203	Industrial Waste Individual WQM Permit	Transfer	Keystone Land Resources Inc. 46226 National Road Saint Clairsville, OH 43950-8742	Luzerne Township Fayette County	SWRO
0913932	Joint DEP/PFBC Pesticides Permit	Renewal	Beebe Margret 2046 Pleasant View Road Coopersburg, PA 18036-9055	Springfield Township Bucks County	SERO
0914812	Joint DEP/PFBC Pesticides Permit	Renewal	Doylestown Borough Bucks County 57 W Court Street Doylestown, PA 18901-4223	Doylestown Borough Bucks County	SERO
0915821	Joint DEP/PFBC Pesticides Permit	Renewal	Jefferson Charles 510 Rosie Lane Hatfield, PA 18932	Hilltown Township Bucks County	SERO
0920813	Joint DEP/PFBC Pesticides Permit	Transfer	Enclave at Upper Makefield 29 Brown Lane Newtown, PA 18940	Upper Makefield Township Bucks County	SERO
0921819	Joint DEP/PFBC Pesticides Permit	New	Fricke David 2225 Esten Road Quakertown, PA 18951-2253	Milford Township Bucks County	SERO
0921824	Joint DEP/PFBC Pesticides Permit	New	Dansereau Fred 238 Derstine Road Perkasie, PA 18944-4202	Bedminster Township Bucks County	SERO
0921825	Joint DEP/PFBC Pesticides Permit	New	Meyers John 1936 Street Road New Hope, PA 18938	Buckingham Township Bucks County	SERO
1113803	Joint DEP/PFBC Pesticides Permit	Renewal	Portage Borough Municipal Water Authority Cambria County 606 Cambria Street Portage, PA 15946-1516	Portage Township Cambria County	SWRO
1516828	Joint DEP/PFBC Pesticides Permit	Renewal	WD Wells & Assoc Inc. 190 Woodcrest Road West Grove, PA 19390-9104	London Grove Township Chester County	SERO
2316802	Joint DEP/PFBC Pesticides Permit	Renewal	Radnor Township Public Works 301 Iven Avenue Wayne, PA 19087-5204	Radnor Township Delaware County	SERO
2321807	Joint DEP/PFBC Pesticides Permit	New	Episcopal Academy 1785 Bishop White Drive Newtown Square, PA 19073-1300	Newtown Township Delaware County	SERO
4517807	Joint DEP/PFBC Pesticides Permit	Renewal	Redeeming Love Christian Center 382 Cranberry Road East Stroudsburg, PA 18301	Stroud Township Monroe County	NERO
4621820	Joint DEP/PFBC Pesticides Permit	New	Enclave at the Promenade 344 Dryden Road Dresher, PA 19025	Upper Dublin Township Montgomery County	SERO
6121805	Joint DEP/PFBC Pesticides Permit	New	Margo Perry 1260 Rockland Twp Road Kennerdale, PA 16374	Rockland Township Venango County	NWRO
6421809	Joint DEP/PFBC Pesticides Permit	New	Schoenfeld Steven 361 Stalker Road Equinunk, PA 18417-3522	Manchester Township Wayne County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6421810	Joint DEP/PFBC Pesticides Permit	New	Schoenfeld Steven 361 Stalker Road Equinunk, PA 18417-3522	Damascus Township Wayne County	NERO
PA0216038	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Transfer	Keystone Land Resources Inc. 46226 National Road Saint Clairsville, OH 43950-8742	Luzerne Township Fayette County	SWRO
PA0104558	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Stone Diversified LLC 152 Ketchum Road Utica, PA 16362-1230	Fairfield Township Crawford County	NWRO
NOEXNW139	No Exposure Certification	Renewal	Welch Foods Inc. A Cooperative 139 S Lake Street North East, PA 16428-1209	North East Borough Erie County	NWRO
NOEXSC266	No Exposure Certification	Renewal	Hershey Co. 1025 Reese Avenue P.O. Box 805 Hershey, PA 17033-2272	Manchester Township York County	SCRO
PAG036302	PAG-03 NPDES General Permit for Industrial Stormwater	New	Amazon Com Service LLC P.O. Box 80842 Attn: NA Environmental Dept Seattle, WA 98108-0842	Findlay Township Allegheny County	SWRO
PAG038397	PAG-03 NPDES General Permit for Industrial Stormwater	New	Earthscape Inc. 190 Canon Road Stoneboro, PA 16153-2022	East Lackawannock Township Mercer County	NWRO
PAG048761	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Phoebe & Timothy Reichert 6821 Route 6N Edinboro, PA 16412-1234	Washington Township Erie County	NWRO
1519408	Sewage Land Application Individual WQM Permit	Amendment	Upper Uwchlan Township Municipal Authority 140 Pottstown Pike Chester Springs, PA 19425-9516	Upper Uwchlan Township Chester County	SERO
0489409	Sewage Treatment Facilities Individual WQM Permit	Transfer	K M & G Holding Inc. P.O. Box 390 Rochester, PA 15074-0390	Fallston Borough Beaver County	SWRO
1621413	Sewage Treatment Facilities Individual WQM Permit	New	Laveing Joseph 4659 Forest Road Vowinckel, PA 16260-1122	Washington Township Clarion County	NWRO
2021412	Sewage Treatment Facilities Individual WQM Permit	New	Susan & Tracy Tome 10171 Krider Road Meadville, PA 16335-6217	Vernon Township Crawford County	NWRO
2021413	Sewage Treatment Facilities Individual WQM Permit	New	Daniel & Maryann Lukowich 12656 Tower Road Conneautville, PA 16406-6446	Spring Township Crawford County	NWRO
2021414	Sewage Treatment Facilities Individual WQM Permit	New	Alex Stein & Tessa McCauley 6162 Fisher Road Conneautville, PA 16406-5018	Beaver Township Crawford County	NWRO
2091407	Sewage Treatment Facilities Individual WQM Permit	Transfer	Stone Diversified LLC 152 Ketchum Road Utica, PA 16362-1230	Fairfield Township Crawford County	NWRO
2501419	Sewage Treatment Facilities Individual WQM Permit	Transfer	Phoebe & Timothy Reichert 6821 Route 6N Edinboro, PA 16412-1234	Washington Township Erie County	NWRO
2521421	Sewage Treatment Facilities Individual WQM Permit	New	John & Theresa Clark 2500 Nursery Road Lake City, PA 16423-2025	Elk Creek Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2895401	Sewage Treatment Facilities Individual WQM Permit	Amendment	The York Water Co. 130 East Market Street York, PA 17401-1219	Letterkenny Township Franklin County	SCRO
3773405	Sewage Treatment Facilities Individual WQM Permit	Amendment	Cemex Const Materials Atlantic LLC 2001 Portland Park Wampum, PA 16157-3913	Wampum Borough Lawrence County	NWRO
5621402	Sewage Treatment Facilities Individual WQM Permit	New	Indian Lake Borough Somerset County 7785 Lincoln Highway Central City, PA 15926-7500	Indian Lake Borough Somerset County	SWRO
6221410	Sewage Treatment Facilities Individual WQM Permit	New	Debra & William Presnar 1331 Weiler Road Warren, PA 16365-8508	Conewango Township Warren County	NWRO
6221411	Sewage Treatment Facilities Individual WQM Permit	New	Geer James 1252 Scandia Road Warren, PA 16365-8440	Glade Township Warren County	NWRO
5121401	Sewer Extensions and Pump Stations Individual WQM Permit	New	Philadelphia Water Department 1101 Market Street 4th Floor Philadelphia, PA 19107-2934	Philadelphia City Philadelphia County	SERO
1412102	WQG-01 WQM General Permit	New	Renninger Steven E 1667 Smokey Corners Road Williamsport, PA 17701-9213	Hepburn Township Lycoming County	NCRO
1412103	WQG-01 WQM General Permit	New	Fisher Hillary 2399 Northway Road Ext Williamsport, PA 17701-9270	Hepburn Township Lycoming County	NCRO
WQG02262101	WQG-02 WQM General Permit	New	North Union Township Municipal Service Authority 90 Romeo Lane Uniontown, PA 15401-2337	Uniontown City Fayette County	SWRO

**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.**

*Northwest Regional Office*

**PA0023043**, Sewage, SIC Code 4952, **North East Borough**, 31 West Main Street, North East, PA 16428-1135. Facility Name: North East Borough STP. This existing facility is located in North East Borough, **erie 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), Lake Erie and Sixteenmile Creek, are located in State Water Plan watershed 15-A and are 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 2.9 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Number of Discharge Events (No.)	Report	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Total Monthly Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.053	XXX	0.17
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	604	967	XXX	25.0	40.0	50
Total Suspended Solids	726	Wkly Avg 1,088	XXX	30.0	Wkly Avg 45.0	60
		Wkly Avg			Wkly Avg	



<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>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	123.3	XXX	XXX	5.1	XXX	10.2
May 1 - Oct 31	41.1	XXX	XXX	1.7	XXX	3.4
Total Phosphorus	Report	XXX	XXX	1.0	XXX	2
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	0.012	0.019	XXX	0.52	0.81	1.2
Copper, Total	0.46	9.71	XXX	0.018	0.029	0.047
Cyanide, Free	0.16	0.26	XXX	0.0067	0.010	0.017
Iron, Dissolved	Report	Report	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	Report	Report	XXX
2,4-Dinitrophenol	Report	Report	XXX	Report	Report	XXX
Dichlorobromomethane	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 2.9 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	604	967	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	726	1,088	XXX	30.0	45.0	60
		Wkly Avg				
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 126	XXX	409
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	362	XXX	XXX	15.0	XXX	30
May 1 - Oct 31	120	XXX	XXX	5.0	XXX	10
Total Phosphorus	Report	XXX	XXX	1.0	XXX	2
Cadmium, Total	Report	Report	XXX	Report	Report Daily Max	XXX

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

- POTW Pretreatment Program Implementation
- Solids Management
- Whole Effluent Toxicity
- Emergency Outfall

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.

**PA0289515**, Sewage, SIC Code 8800, **Justin Angert**, 599 Bruton Drive, Gibsonia, PA 15044-9570. Facility Name: Justin Angert SRSTP. This proposed facility is located in Penn Township, **Butler 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), Robinson Run (CWF), is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
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

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.

**PA0289655**, Sewage, SIC Code 4952, 8800, **Joseph Laveing**, 4659 Forest Road, Vowinckel, PA 16260-1122. Facility Name: Joseph Laveing SRSTP. This proposed facility is located in Washington Township, **Clarion 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 McCauley Run (EV), is located in State Water Plan watershed 16-E and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <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

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.

**PA0289701**, Sewage, SIC Code 4952, 8800, **John & Theresa Clark**, 2500 Nursery Road, Lake City, PA 16423-2025. Facility Name: John & Theresa Clark SRSTP. This proposed facility is located in Elk Creek Township, **Erie County**.

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

The receiving stream(s), Crooked Creek (HQ-CWF, MF), is located in State Water Plan watershed 15-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

*Southcentral Regional Office*

**Application No. PA0266060**, Concentrated Animal Feeding Operation (CAFO), **Timothy M Wentzel** (Quint T Egg Farm CAFO), 3819 Powells Valley Road, Halifax, PA 17032-9629.

Timothy M Wentzel has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Quint T Egg Farm CAFO, located in Jefferson Township, **Dauphin County**.

The CAFO is situated near Unnamed Tributary to North Fork Powell Creek (CWF, MF) in Watershed 6-C, which is classified for Cold Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 446.35 animal equivalent units (AEUs) consisting of 137,760 Layers, 15 Beef Finishers, and 6 Swine Grow Finish. Solid Layer manure is stored in a roofed stacking shed while Beef Finisher and Swine manure is stored on an unroofed barnyard stack pad. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0030597**, Sewage, SIC Code 4952, **Franklin County General Authority**, 5540 Coffey Avenue, Chambersburg, PA 17201-4113. Facility Name: South Patrol Road WWTP. This existing facility is located in Letterkenny Township, **Franklin County**.

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

The receiving stream(s), Rocky Spring Branch (TSF), is located in State Water Plan watershed 13-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .25 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
E. Coli (No./100 ml)	XXX	XXX	Report	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .25 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	52.0	83.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	62.0	93.0	XXX	30.0	45.0	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	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen						
Nov 1 - Apr 30	18.0	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	6.0	XXX	XXX	3.0	XXX	6
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	4.0	XXX	XXX	2.0	XXX	4
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen	XXX	9,132.0	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
Effluent Net		Annual				
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
		Annual				
Ammonia-Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
		Annual				
Total Phosphorus	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
		Annual				
Effluent Net	XXX	1,218.0	XXX	XXX	XXX	XXX
		Total				
		Annual				

\*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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.

**PA0266353**, Sewage, SIC Code 6514, **Chad M Baughman**, 605 Roxbury Road, Newville, PA 17241-8617. Facility Name: Baughman SRSTP. This existing facility is located in Upper Mifflin Township, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary to Whisky Run (TSF), is located in State Water Plan watershed 7-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0006 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>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
				Avg Mo		

The proposed effluent limits for Outfall 001 are based on a design flow of .0006 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <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	1,000

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.

**PA0266469 A-1**, Sewage, SIC Code 4952, **Weaverland Valley Authority**, 4610 Division Highway, East Earl, PA 17519. Facility Name: Weaverland Valley Authority Regional WWTP. This existing facility is located in East Earl Township, **Lancaster County**.

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

The receiving stream(s), Conestoga River (WWF, MF), is located in State Water Plan watershed 7-J 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 .41 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	85	136	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	102 Report	153 Report Daily Max	XXX	30 Report	45 XXX	60 XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	71	XXX	XXX	21	XXX	42
May 1 - Oct 31	23	XXX	XXX	7.0	XXX	14
Total Phosphorus	6.0	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of .41 MGD.—Interim Limits.

<i>Parameter</i>	<i>Effluent Limitations Mass Units (lbs)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia-N	Report	Report	XXX	Report	XXX
Kjeldahl-N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	Report	XXX	XXX	XXX
Net Total Phosphorus	Report	Report	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .41 MGD.—Final Limits.

<i>Parameter</i>	<i>Effluent Limitations</i>		<i>Concentrations (mg/L)</i>		
	<i>Mass Units (lbs)</i>		<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
	<i>Monthly</i>	<i>Annual</i>			
Ammonia-N	Report	Report	XXX	Report	XXX
Kjeldahl-N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	13,064	XXX	XXX	XXX
Net Total Phosphorus	Report	1,531	XXX	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

**PA0267481**, Sewage, SIC Code 8800, **Amos E Stoltzfus**, 1651 Mountain Road, Newburg, PA 17240-9123. Facility Name: Stoltzfus SRSTP. This proposed facility is located in Upper Mifflin 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 Three Square Hollow Run (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 (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <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	1,000

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.

**PA0267520**, Sewage, SIC Code 8800, **Arlin Weaver**, 184 Bulls Head Road, Newville, PA 17241-9613. Facility Name: Arlin Weaver SRSTP. This proposed facility is located in North Newton 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), Green Spring Creek (CWF, MF), is located in State Water Plan watershed 7-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 .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <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	1,000

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.

**PA0267538**, Sewage, SIC Code 8800, **Merlin B Zimmerman**, 231 Ridge Road, Shippensburg, PA 17257-9738. Facility Name: Zimmerman SRSTP. This proposed facility is located in North Newton 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), Green Spring Creek (CWF, MF), is located in State Water Plan watershed 7-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 .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <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	1,000

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

*Southwest Regional Office*

**PA0216208**, Sewage, SIC Code 6515, **John F. Kotun**, 319 Anderson Hozak Road, Clinton, PA 15026-1303. Facility Name: Superior MHP STP. This existing facility is located in Raccoon Township, **Beaver County**.

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

The receiving stream, Unnamed Tributary to Service Creek (HQ-CWF), is located in State Water Plan watershed 20-D 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 0.0025 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	0.0025	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
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)						
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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	3.2	XXX	6.4
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions: requirements for solids management, sludge wasting, and chlorine minimization.

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.

**PA0255947**, Sewage, SIC Code 8800, **Paul W Pritchard**, 606 Surrey Lane, Lutz, FL 33549-5682. Facility Name: Pritchard Properties SRSTP. This proposed facility is located in Rostraver Township, **Westmoreland 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), Youghiogheny River (WWF), is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.



The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	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

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

- AMR submission requirement
- Septic Tank pumping requirements
- Optimization of chlorine dosage

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.

**PA0254967 A-2**, Industrial, SIC Code 4959, **PPG Industries, Inc.**, 440 College Park Drive, Monroeville, PA 15146-1536. Facility Name: Former Ford City Facility Slurry Lagoon Area and Solid Waste Disposal Area. This existing facility is located in Cadogan and North Buffalo Townships, **Armstrong County**.

Description of Existing Activity: The application is for an NPDES permit amendment for new discharges of untreated groundwater.

The receiving streams, Unnamed Tributary to Glade Run (TSF), Glade Run (TSF), Allegheny River (WWF), are located in State Water Plan watershed 17-E and are classified for Warm Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfalls 023—028 are for variable flow groundwater seeps.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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	9.0	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	Report	Report	XXX
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 029 are for variable flow groundwater seeps.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>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	9.0	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	Report	Report	XXX
Antimony, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 029 are for variable flow groundwater seeps.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	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
Antimony, Total (ug/L)	XXX	XXX	XXX	5.6	11.2	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	10.0	20.0	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	0.27	0.54	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	10.4	20.8	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	9.3	18.6	XXX
Iron, Dissolved	XXX	XXX	XXX	0.3	0.6	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	3.2	6.4	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.0	10.0	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	3.7	3.7	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	0.24	0.48	XXX

The proposed effluent limits for Outfalls 030 and 031 are for variable flow groundwater seeps.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	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	Report	Report	XXX
Antimony, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfalls 030 and 031 are for variable flow groundwater seeps.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	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
Antimony, Total (ug/L)	XXX	XXX	XXX	5.6	11.2	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	10.0	20.0	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	0.27	0.54	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	9.3	18.6	XXX
Iron, Dissolved	XXX	XXX	XXX	0.3	0.6	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	3.2	6.4	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	52.0	104.0	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.0	10.0	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	3.7	3.7	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	0.24	0.48	XXX

The proposed effluent limits for Outfalls 032 and 034 are for variable flow groundwater seeps.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	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	Report	Report	XXX
Antimony, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfalls 032 and 034 are for variable flow groundwater seeps.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	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
Antimony, Total (ug/L)	XXX	XXX	XXX	5.6	11.2	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	10.0	20.0	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	0.27	0.54	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	9.3	18.6	XXX
Iron, Dissolved	XXX	XXX	XXX	0.3	0.6	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	3.2	6.4	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.0	10.0	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	0.24	0.48	XXX

The proposed effluent limits for Outfall 033 are for variable flow groundwater seeps.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	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	Report	Report	XXX
Antimony, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 033 are for variable flow groundwater seeps.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	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
Antimony, Total (ug/L)	XXX	XXX	XXX	5.6	11.2	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	10.0	20.0	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	0.27	0.54	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	10.4	20.8	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	9.3	18.6	XXX
Iron, Dissolved	XXX	XXX	XXX	0.3	0.6	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	3.2	6.4	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.0	10.0	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	3.7	3.7	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	0.24	0.48	XXX

The proposed effluent limits for Outfalls 035—038 are for variable flow groundwater seeps.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	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	Report	Report	XXX
Antimony, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfalls 035—038 are for variable flow groundwater seeps.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	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
Antimony, Total (ug/L)	XXX	XXX	XXX	5.6	11.2	XXX
Arsenic, Total (ug/L)	XXX	XXX	XXX	10.0	20.0	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	0.27	0.54	XXX
Chromium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	9.3	18.6	XXX
Iron, Dissolved	XXX	XXX	XXX	0.3	0.6	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	3.2	6.4	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	5.0	10.0	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	3.7	3.7	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	0.24	0.48	XXX



All other terms and conditions of the current NPDES permit and effluent limits and monitoring requirements for Outfalls 001 through 022 and Internal Monitoring Points 103 through 403 remain unchanged.

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.

**PAI136107, MS4, Dunbar Township, Fayette County**, 128 Township Drive, Dunbar, PA 15431-2338.

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 Dunbar Township, **Fayette County**. The receiving stream(s), Youghiogheny River (WWF), Dickerson Run (WWF), Gist Run (TSF), and Opossum Run (WWF), is located in State Water Plan watershed 19-D and is classified for 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

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA waiver is in effect.

*Northeast Regional Office*

**PAS222202**, Storm Water, SIC Code 2491, **Bestway of Pennsylvania, Inc.**, 3877 Luker Road, Cortland, NY 13045-9385. Facility Name: Bestway Lumber Treatment Center. This existing facility is located in Barrett Township, **Monroe 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), Cranberry Creek (HQ-CWF), is located in State Water Plan watershed 1-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 0 MGD (stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	120.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Pentachlorophenol	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	120.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Pentachlorophenol	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD (stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

Stormwater Outfalls and Authorized Non-Stormwater Discharges

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

**PAS232209**, Storm Water, SIC Code 3089, **Jeld Wen Inc.**, 3250 Lakeport Boulevard, Klamath Falls, OR 97601-1036. Facility Name: Jeld Wen. This existing facility is located in Ringtown Borough, **Schuylkill 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), Little Catawissa Creek (CWF, MF) and Unnamed Tributary to Dark Run (HQ-CWF), is located in State Water Plan watershed 5-E and is classified for Cold Water Fishes, Migratory Fishes, and 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 0 MGD.—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
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
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Pentachlorophenol	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Pentachlorophenol	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater BMPs

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

*Southeast Regional Office*

**PA0012432**, Industrial, SIC Code 2033, **Sunny Dell Foods Inc.**, 135 N 5th Street, Oxford, PA 19363-1502. Facility Name: Sunny Dell Foods Cannery. This existing facility is located in Oxford Borough, **Chester County**.

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

The receiving stream, Unnamed Tributary of West Branch Big Elk Creek (HQ-TSF, MF), is located in State Water Plan watershed 7-K and is classified for Migratory Fishes and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .05 MGD.—Limits.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
(Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Nitrate as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrite an N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

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)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC) Temperature (deg F) (°F)	XXX	XXX	XXX	0.5	XXX	1.2
Jan 1 - 31	XXX	XXX	XXX	60	XXX	110
Feb 1 - 28	XXX	XXX	XXX	58	XXX	110
Mar 1 - 31	XXX	XXX	XXX	67	XXX	110
Apr 1 - 15	XXX	XXX	XXX	81	XXX	110
Apr 16 - 30	XXX	XXX	XXX	110	XXX	110
May 1 - 15	XXX	XXX	XXX	96	XXX	110
May 16 - 31	XXX	XXX	XXX	110	XXX	110
Jun 1 - 15	XXX	XXX	XXX	79	XXX	110
Jun 16 - 30	XXX	XXX	XXX	88	XXX	110
Jul 1 - 31	XXX	XXX	XXX	76	XXX	110
Aug 1 - 15	XXX	XXX	XXX	93	XXX	110
Aug 16 - 31	XXX	XXX	XXX	110	XXX	110
Sep 1 - 15	XXX	XXX	XXX	105	XXX	110
Sep 16 - 30	XXX	XXX	XXX	93	XXX	110
Oct 1 - 15	XXX	XXX	XXX	93	XXX	110
Oct 16 - 31	XXX	XXX	XXX	80	XXX	110
Nov 1 - 15	XXX	XXX	XXX	81	XXX	110
Nov 16 - 30	XXX	XXX	XXX	60	XXX	110
Dec 1 - 31	XXX	XXX	XXX	57	XXX	110
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX

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

- Chlorine Minimization
- Temperature 2-Degree Hourly Change
- Chesapeake Bay Nutrient Definitions
- Chemical Additives

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

The EPA Waiver is not in effect.

**PA0244805**, Industrial, SIC Code 9999, **Parker Hannifin Corp**, 6035 Parkland Boulevard, Cleveland, OH 44124-4186. Facility Name: North Penn Area 6 Superfund (Frmly Precision Rebuilding Fac). This existing facility is located in Lansdale Borough, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to West Branch Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0144 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
cis-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
Tetrachloroethylene	XXX	XXX	XXX	Report	XXX	Report
Trichloroethylene	XXX	XXX	XXX	0.005	XXX	0.013
Vinyl Chloride	XXX	XXX	XXX	Report	XXX	Report

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

- Dry stream discharge
- Chemical additive

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD230054	New	Beacon of Folcroft, LLC 24 Buckingham Way Freehold, NJ 07728-3173	Folcroft Borough Delaware County	SERO
PAD510207	New	Philadelphia Parks and Recreation 1515 Arch Street 11th Floor Philadelphia, PA 19102	City of Philadelphia Philadelphia County	SERO
PAD390208	Renewal	Liberty Property Limited Partnership 400 Boulder Dr. Suite 200 Breinigsville, PA 18031	Lower Macungie Township Lehigh County	NERO
PA400001D	New	PPL Elec Utilities Corp 1639 Church Rd GENN4 Allentown, PA 18104-9342	Hanover Township Luzerne County	NERO
PAD450138	New	Arrowhead Lake Community Association, Inc. 961 Arrowhead Drive Pocono Lake, PA 18347	Coolbaugh Township Monroe County	NERO
PAD360072	Renewal	Maryjo Steele 227 Green Lane Quarryville, PA 17566	Little Britain Township Lancaster County	SCRO
PAD180027	New Individual Permit	Horse of Hope Inc. Dutch Hollow Road Woolrich, PA 17779	Pine Creek Township Clinton County	NCRO
PAD260017	Individual NPDES	Pennsylvania Game Commission 2001 Elmerton Avenue Harrisburg, PA 17710-9762	Dunbar Township Fayette County	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497
PAD300018	Individual NPDES	Peoples Natural Gas Company, LLC 195 Donohoe Road Greensburg, PA 15601	Center Township Morris Township Greene County	Greene County Conservation District Suite 204 22 West High Street Waynesburg, PA 15370 724-852-5278



<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD680010	New	South Fayette Conservation Group 515 Millers Run Road Morgan, PA 15604	South Fayette Township Allegheny County	Bureau of Abandoned Mine Reclamation Cambria Office Attention: Kelsey Q. Canary 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

**ACT 38  
NUTRIENT MANAGEMENT PLANS**

**CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
David Leinbach 105 Hoover Lane Loysville, PA 17047	Perry	266	878.34	Swine	NA	Renewal
Groff's Pork and Beans Farm, LLC David Groff 262 Pawling Road Lewisburg, PA 17837	Union	23.1	643.61	Swine	NA	Renewal
Wanner's Pride-N-Joy Farm, LLC John Wanner 5800 Wanner Road Narvon, PA 17555	Lancaster	771.4	1,775.5	Dairy	HQ	Renewal
Keith Heimbach Farm 129 Don Packard Rd Granville Summit, PA 16926	Bradford	324.6	670.94	Swine	CWF	Renewal

<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>
Pleasant View Farms, Inc. 261 Pleasant View Farms Lane Martinsburg, PA 16662	Blair/ Bedford	4,239.1	4,395.05	Dairy	Clover Creek—HQ Piney Creek—HQ Yellow Creek—HQ Plum Creek—HQ Potter Creek—HQ	Renewal
Franklin View Farms LLC 1700 Prospect Road Washington Boro, PA 17582	Lancaster	610	1,759.88	Dairy	NA	Renewal
Lavon Zimmerman 11653 William Penn Hwy Thompsontown, PA 17094	Juniata	62.1	392.51	Swine Beef Sheep	NA	Renewal
J&L Groff, LLC Lloyd Groff 2906 Dettinger Road Brogue, PA 17309	York	72.4	469.11	Poultry— Broilers	NA	Renewal
Shadewood Farms 123 Acker Road Newport, PA 17074	Perry	152.1	996.12	Swine	None	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

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

<b>Permit No. 1521511</b> , Public Water Supply.	
Applicant	<b>Hotel Du Village</b> 2535 Du Village New Hope, PA 18938
Township	Solesburg
County	<b>Chester</b>
Responsible Official	Jimmy Thorton Owner 2535 River Road New Hope, PA 18938
Type of Facility	PWS
Consulting Engineer	J. S. Madaras Consulting, Inc. 250 Indian Lane Boyertown, PA 19512
Application Received Date	June 24, 2024
Description of Action	Permit for proposed Nitrate Reduction System.

<b>Permit No. 0921511</b> , Public Water Supply.	
Applicant	<b>North Wales Water Authority</b> 200 West Walnut Street P.O. Box 1339 North Wales, PA 19454
Township	Warrington
County	<b>Bucks</b>

Responsible Official	Brad Fisher Director of Engineering/ Operations 200 West Walnut Street P.O. Box 1339 North Wales, PA 19454
Type of Facility	PWS
Consulting Engineer	CKS Engineering, Inc. 4259 West Swamp Road Suite 410 Doylestown, PA 18902
Application Received Date	August 4, 2021
Description of Action	Install granular activated carbon filters vessels to treat PFOS/PFOA groundwater contamination.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1421509, Major, Public Water Supply.**

Applicant	<b>Haines-Aaronsburg Municipal Authority</b> P.O. Box 254 Aaronsburg, PA 16820
Township or Borough	Haines Township
County	<b>Centre</b>
Responsible Official	Charlie Valentine Water Operator P.O. Box 254 Aaronsburg, PA 16820
Type of Facility	Public Water Supply
Consulting Engineer	Patrick J. Ward, P.E., Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Application Received Date	August 6, 2020
Description of Action	Application for a water-system improvement project: construction of a membrane filtration plant and related improvements to transmission and distribution mains and the water-storage tank. Add Well No. 8 as a new source. Abandon the springs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI)

to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Former CertainTeed**, 1220 Oak Hill Road, Mountain Top, PA 18707, Wright Township, **Luzerne County**. Barry Isett & Associates, 1170 Highway 315, Wilkes-Barre, PA 18702, on behalf of Grand Landmark Realty NY, Inc., 1303 53rd St, Suite 140, Brooklyn, NY 11219, submitted a Notice of Intent to Remediate. Soil and groundwater contaminated with volatiles, semi-volatiles, metals, and chlorinated solvents from buried drums and neighboring industrial uses. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Citizens Voice* on July 29, 2021.

**DETERMINATION FOR APPLICABILITY FOR  
MUNICIPAL WASTE GENERAL PERMITS**

**Application(s) for Determination of Applicability for General Permit Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**General Permit Application No. WMGM055-NE005. Assai Energy LLC**, 500 Technology Drive, Canonsburg, PA 15137. Site location: Throop Borough, **Lackawanna County**. A general permit determination of applicability for the processing and beneficial use of landfill gas from Keystone Sanitary Landfill. The application for determination of applicability was received on July 15, 2021 and deemed administratively complete by the Regional Office on August 5, 2021.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING  
PERMIT APPLICATIONS**

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed

Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

**PLAN APPROVALS**

**Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**39-00006H: American Craft Brewery LLC** (7880 Penn Drive, Breinigsville, PA 18031) to increase permitted throughput limit for Source ID No. 164 (Can Crusher) at their facility located in Upper Macungie Township, **Lehigh County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief, (484) 250-5920.*

**09-0084B: Grand View Hospital** (700 Lawn Avenue, Sellersville, PA 18960) for the replacement of certain



existing equipment at its facility, which is located in West Rockhill Township, **Bucks County**.

*Note:* This notice is a revision to the notice published on July 31, 2021, for the same application. The following is a listing of changes from the original notice:

- The rated capacity (i.e., heat input) of the replacement low-NO<sub>x</sub> burner for boiler 4 has been corrected from 14.7 MMBtu/hr to 14.5 MMBtu/hr.
- Language that the replacement low-NO<sub>x</sub> burner shall be equipped with an integral induced FGR system has been added.
- The maximum operating schedule for each emergency generator set has been updated from 185 hours per year to 225 hours per year, based on the application of a lower brake-specific NO<sub>x</sub> emission factor from the manufacturer of the respective associated engines (i.e., “nominal” instead of “potential site variation”). As a result of the change, the potential to emit NO<sub>x</sub> from each engine has increased by 0.05 ton/yr. However, the potential to emit NO<sub>x</sub> for the facility will remain less than 25 tons/yr.

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.

**46-0112H: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) is a Synthetic Minor facility. Plan Approval No. 46-0112H is for the installation of a dust collector prior to an existing regenerative thermal oxidizer (RTO) at their facility located in Skippack Township, **Montgomery County**. This Plan Approval does not allow the following: (a) the modification of existing sources, (b) the installation of any new sources, or (c) does it allow for any increase in emissions. The new dust collector will control particulate matter (PM) from the dry stream going to the RTO. The inlet PM concentration to the dust collector is 0.036 grain/dscf, and only needs to comply with 25 Pa. Code § 123.13, an outlet PM concentration of 0.04 grain/dscf. The dust collector is guaranteed to reduce PM to 0.005 grain/dscf, which may be further reduced through the RTO. The facility will continue to be subject to the following site-wide emission limits: VOC—21.0 TPY, PM—19.04 TPY, NO<sub>x</sub>—23.16 TPY, CO—50.01 TPY, SO<sub>x</sub>—37.19 TPY, Total HAP—12.49 TPY, Formaldehyde—9.71 TPY, and Ammonia—22.63 TPY. This project is not subject to NSPS, NESHAP, MACT, PSD, NSR, or CAM. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and 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.

**09-0246: Metals USA** (50 Cabot Boulevard E, Langhorne, PA 19047) for the installation of two Peddinghaus Plate Processors to perform cutting (oxyfuel and plasma) activities on carbon steel workpieces in **Bucks County**. Each plate processor will vent to a separate, dedicated Donaldson dust collector. The facility is a minor source of PM and NO<sub>x</sub> emissions. The company has voluntarily restricted annual carbon steel workpiece production and

annual operating hours. The company will comply with all required monitoring, recordkeeping, and testing 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.

### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00004: Covanta Delaware Valley, L.P.** (10 Highland Avenue, Chester, PA 19013). This action is a renewal of the Title V Operating Permit for operation of six (6) municipal waste combustion units and their associated processing and emission control devices, one (1) colling tower, one (1) emergency generator diesel engine, one (1) fire water pump diesel engine, and two (2) cold degreasers. This facility is located in City of Chester, **Delaware County**.

This facility is a waste-to-energy plant, which incinerates residual waste and municipal waste, and generates 90 net megawatts of electricity per hour. As a result of actual emissions in 2020, Carbon Monoxide (CO, 346.8 tons/yr), Nitrogen Oxides (NO<sub>x</sub>, 1,167.9 tons/yr), Particulate Matter (PM, 54.8 tons/yr), Volatile Organic Compounds (VOC, 15.1 tons/yr), Sulfur Oxides (SO<sub>x</sub>, 151.6 tons/yr), and Hydrochloric Acid (HCl, 11.5 tons/yr), this facility is still classified as a major stationary source (a Title V facility) as defined in the Clean Air Act. The facility is also a major stationary source for Greenhouse Gas (GHG) emissions. There are no proposed changes to the potential emissions from the facility.

The renewal incorporates applicable requirements of the Pennsylvania’s Reasonably Available Control Technology [RACT Phase II] rules to the municipal waste combustors (Source IDs 101 to 106) (per 25 Pa. Code § 129.97(f)) and the emergency generator diesel engine (Source ID 113) (per 25 Pa § 129.97(c)(8)) pertaining to Nitrogen Oxides (NO<sub>x</sub>) emissions. The facility is not subject to the RACT Phase II requirements pertaining to VOC emissions as its potential-to-emit VOC emissions are less than 50 tons per year. The facility is subject to the State Plan for Large Municipal Waste Combustors approved by the USEPA (effective on October 4, 2001; 66 FR 43509). Compliance Assurance Monitoring (CAM) does not apply pursuant to 40 CFR Part 64 § 64.2(b)(1)(i), as this facility complies with the provisions found in the State Plan for Large Municipal Waste Combustors which was approved by the US EPA as indicated in 40 CFR 62.9640 (utilizes DEP certified Continuous Emission Monitoring System for emission monitoring). The proposed Title V Operating Permit Renewal contains all applicable requirements including monitoring, recordkeeping, reporting, and work practices. It does not authorize any increase in air emissions of regulated pollutants above the previously approved levels.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional

Office through the contact person in the previously listed header. Comments on the draft permit (or plan approval) can be submitted by September 22, 2021 through the Air Quality resource account at: RA-EPSEROPUBCOM@pa.gov.

DEP has scheduled a virtual formal public hearing for Wednesday, September 22, 2021 to begin at 6:30 PM. During this time, DEP will receive testimony from interested parties regarding renewal of its Title V Operating Permit.

Individuals wishing to provide testimony must contact John Repetz, Community Relations Coordinator, at jrepetz@pa.gov or 717-705-4904 to register at least 24 hours prior to the hearing. Testimony will be limited to 3 minutes for each person and time may not be shared or relinquished to others. Video demonstrations and screen sharing by testifiers will not be permitted and DEP asks that each organization designate one speaker per group.

All comments, whether delivered orally during the virtual public hearing or submitted in writing to DEP, carry equal weight and consideration with DEP.

Persons unable to attend the hearing may submit a written comments/statement and exhibits within 10 days thereafter to the Department. Those written comments may be submitted by October 2, 2021 and can be sent electronically RA-EPSEROAQPUBCOM@pa.gov or through the mail to the Southeast Regional Office, Bureau of Air Quality, 2 E. Main St., Norristown, PA 19401. To assist with mail routing, it is requested that mailed comments contain the following on the envelope: "Comments on Title V Operating Permit Renewal for Covanta—Delaware."

*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.*

**36-05081: Lancaster County Solid Waste Management Authority** (1299 Harrisburg Avenue, Lancaster, PA 17603) to issue a renewal of the Title V Operating Permit for the Creswell/Frey Farm Landfill located in Manor Township, **Lancaster County**. The actual emissions associated with the landfill activities in the year 2019 were 10.3 tons of CO, 16.0 tons of NO<sub>x</sub>, 12.4 tons of PM<sub>10</sub>, 1.6 tons of PM<sub>2.5</sub>, 3.9 tons of SO<sub>x</sub>, 2.39 tons of VOCs, and 0.31 ton 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 40 CFR Part 60—Subpart XXX, 40 CFR Part 60—Subpart IIII, 40 CFR Part 61—Subpart M, 40 CFR Part 63—Subpart ZZZZ, and 40 CFR Part 63—Subpart AAAA.

**07-05003: Norfolk Southern Railway Co.** (200 N 4th Ave, Altoona, PA 16601) to issue a Title V Operating Permit for the Juniata Locomotive Shops facility located in Logan Township, **Blair County**. The Title V Operating Permit is undergoing a significant modification to modify their Reasonably Available Control Technology I (RACT I) plan. The permit modification will not affect the allowable emissions from the facility.

The RACT I operating permit requirements are memorialized in Condition 001, Group 015, Section E of the current Title V Operating Permit. This significant modification will delete the following reporting condition contained in the facility's RACT I operating permit:

Delete Condition # 001(6): Any new coating or any compositional changes in an existing surface coating shall be reported to the Harrisburg District Supervisor prior to its use. Information to be reported shall include items (1) through and including (8) of the previously listed Condition 5.a.

The condition will be replaced by the following Group 015, Section E annual reporting requirement:

Any new coating or any compositional changes in an existing coating used during the reporting period shall be identified in the annual AIMs source report required by Condition 016, Section C of this operating permit. For any new coating or any compositional changes in an existing coating used during the reporting period, the information required in items (1) through and including (8) in Paragraph 5(a) of Condition # 002, Group 015, Section E shall be included in the annual source report.

Also, in accordance with 25 Pa. Code §§ 129.91—129.95, the Department has made a preliminary determination to approve this modification to the facility's RACT I plan and to submit it to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Requirements that are not part of the RACT I approval will be excluded from the SIP submittal.

The proposed SIP revision does not adopt any new regulations. It will incorporate the provisions and requirements contained in the modified RACT I approval for the facility, which are intended to satisfy the requirements for the National Ambient Air Quality Standards (NAAQS) for ozone.

The relevant RACT I requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan.

*Public Comment Details:* Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Tom Bianca, P.E., West Permit Section Chief, Air Quality Program, DEP Southcentral Regional Office, at tbianca@pa.gov. A 30-day comment period from the date of publication of this notice 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 RACT I Operating Permit modification including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT I Plan.

*Public Hearing:* A virtual public hearing will be held on October 5, 2021 at 10:00 a.m. to accept oral comments on the proposed permit action and the proposed SIP revision. Individuals who wish to observe or present testimony at the informal conference must contact John Repetz at 717-705-4904 or jrepetz@pa.gov a minimum of 24 hours in advance of the hearing to reserve a time to present testimony. Citizens who register for the event will receive the link and instructions on how to join via email.

Organizations are limited to designating one individual to present verbal comments on their behalf. Verbal comments are limited to 5 minutes for each presenter. Video demonstrations and screen sharing by presenters will not be permitted.

Any persons presenting verbal comments are requested to submit a written copy of their verbal testimony by



e-mail to Tom Bianca, P.E., at [tbianca@pa.gov](mailto:tbianca@pa.gov), by no later than ten days after the hearing.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Tom Bianca, P.E., at [tbianca@pa.gov](mailto:tbianca@pa.gov) or make accommodations through the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD).

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review, upon request to Tom Bianca, P.E., Environmental Engineering Manager, at [tbianca@pa.gov](mailto:tbianca@pa.gov), or at PA DEP Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

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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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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.*

**40-00103: Harman Funeral Home and Crematory, Inc.** (P.O. Box 429, Drums, PA 18222-0429) for the operation of a crematory at the facility located in Butler Township, **Luzerne County**. The emissions will be controlled by an afterburner. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**35-00072: Unimac-KPS, LLC** (1001 Moosic Road, Old Forge, PA 18518-2085) for the operation of four (4) printing presses with dryers located at their facility in Old Forge Borough, **Lackawanna County**. This is a new State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**67-03172: Panebaker Funeral Home & Cremation Care Center, Inc.** (311 Broadway, Hanover, PA 17331-2505), for a natural minor operating permit renewal for a human crematory located in Heidelberg Township, **York County**. The primary emissions from the crematory are small quantities of NO<sub>x</sub>, CO, and PM, the actual emissions are each less than 100 lbs/yr. The Operating Permit will include emission standards, testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**07-05027: Curry Supply Co.** (7324 Woodbury Pike, Roaring Spring, PA 16673) to issue a State Only Operating Permit for the Hollidaysburg facility located in Frankstown Township, **Blair County**. The actual emissions from the facility in 2019 year are estimated at 6.08 tons of VOC; 4.01 tons of PM<sub>10</sub>; 4.01 tons of PM<sub>2.5</sub>; 1.91 tons of NO<sub>x</sub>; 1.71 tons of combined HAPs; 1.59 tons of CO; and less than one ton of SO<sub>x</sub>. The Operating

Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52—Surface coating processes; 25 Pa. Code § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings; 25 Pa. Code § 129.63—Degreasing Operations; 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units; and 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

**22-03005: Harsco Metals Americas** (Old # 5 Dump Track, Steelton, PA 17113) to issue a State Only Operating Permit for the steel slag processing facility located in Steelton Borough, **Dauphin County**. The potential emissions from the facility are estimated at 9.5 tpy of PM and 4.7 tpy of PM<sub>10</sub>. 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 § 123.1 Prohibition of certain fugitive emissions and 25 Pa. Code § 123.2 Fugitive particulate matter.

**67-03098: White Rose Crematorium, LLC** (420 Pattison Street, York, PA 17403) to issue a State Only Operating Permit for the crematory located in York City, **York County**. The potential emissions are estimated at 2.03 tpy of NO<sub>x</sub>, 1.69 tpy of CO, 1.59 tpy of PM<sub>10</sub>, 0.71 tpy of SO<sub>x</sub>, and 0.16 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**55-00008: Apex Homes of PA, LLC** (7172 Route 522, Middleburg, PA 17842-9488) to issue a renewal State Only "natural minor" Operating Permit for their facility located in Middlecreek Township, **Snyder County**. The facility is currently operating under State Only Operating Permit 55-00008. The facility's main sources are the Modular Home Assembly Operation, Paint Shop, and Woodworking Operations. The facility has potential emissions of 9 tons per year (tpy) of NO<sub>x</sub>, 1 tpy of SO<sub>x</sub>, 29 tpy of PM<sub>10</sub>, 7 tpy of CO, 36 tpy of VOCs, 4 tpy of total HAPs, and 6,000 tpy of GHGs. There are no significant emissions increases or equipment changes being proposed by this action. Some new sources of minor significance such as space heaters are included in the proposed renewal operating permit. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third

Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**59-00016: Pine Hill, Inc.** (P.O. Box 62, Blossburg, PA 16912-0062) to issue a renewal State Only Operating Permit for their facility located in Ward Township, **Tioga County**. The facility's main source is a residual waste landfill. The facility has potential to emit particulate matter with an aerodynamic diameter of less than 10 microns emissions of 6.12 tons per year. No emission or equipment changes are being proposed by this action. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60, 63 and 98. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**26-00045: Coolspring Mining, Inc./Coolspring Quarry** (P.O. Box 1328, Uniontown, PA 15401). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a natural minor State Only Operating Permit for the processing of limestone, sand, and sandstone at their facility located in North Union Township, **Fayette County**.

Coolspring operates a nonmineral processing plant including eight crushers, six screens, eight feeders, forty-six conveyors, and ten product bins. This facility is limited to 3,600 hours of operation per 12-consecutive month period (12-cmp) and 417 tons/hr throughput. The sandstone crusher is limited to 200 tons/hr throughput and 192,000 total tons of production per 12-cmp. The sand processing operation is limited to 0.02 gr/dscf particulate matter and 10% opacity up to 3 minutes/hr and 30% at any time. The nonmetallic processing plant is limited to 0.02 gr/dscf particulate matter. The facility is limited to 20% opacity up to 3 minutes/hr and 60% at any time. This facility has the potential to emit 15.99 tons of PM<sub>10</sub>. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental

Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00045) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

**63-00631: Columbia Gas Transmission, LLC** (455 Racetrack Rd., Washington, PA 15301). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that they intend to issue a renewal natural minor State Only Operating Permit for the operation of the Donegal Compressor Station in Donegal Township, **Washington County**.

Equipment at this facility includes two (2) 1,240 Bhp natural gas-fired compressor engines equipped with oxidation catalysts, one (1) 135 Bhp natural gas-fired emergency generator engine, one 2.0 MMBtu/hr natural gas-fired boiler, and one 10.0 MMBtu/hr natural gas-fired line heater.

Annual potential emissions from this facility are estimated at: 53.84 tons of NO<sub>x</sub>, 29.0 tons of VOC, 6.06 tons of CO, 1.28 tons of PM<sub>10</sub>/PM<sub>2.5</sub>, 0.09 ton of sulfur oxides, 4.64 tons of formaldehyde, 6.47 tons of total HAPs, and 16,499 tons of CO<sub>2</sub>e.

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The internal combustion engines are subject to 40 CFR Part 63, Subpart ZZZZ, NESHAPs for Stationary Reciprocating Internal Combustion Engines. The proposed operating permit includes emission limitations, monitoring, work practice, reporting, and recordkeeping requirements for the facility.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the



comments, identification of the proposed permit (specify Operating Permit 63-00631) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

**65-00353: TechSpec, Inc.** (718 Y Street, P.O. Box 69, Derry, PA 15627). In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal for TechSpec, Inc. to authorize the continued operation of a titanium bar, billet, and forging production facility located in Derry Township, **Westmoreland County**.

The facility consists of natural gas fired four annealing furnaces, five rolling mill furnaces, three forging shop furnaces, grinders, saws, shot blasters and a parts washer. A dust collector is employed to control particulate emissions from this facility. The estimated potential emissions from this facility are approximately 2.31 tons per year of PM<sub>10</sub> and 30.20 tons per year of NO<sub>x</sub>, 25.37 tons per year of CO, 1.66 tons per year of VOC and 0.57 ton per year of HAPs. The proposed SOOP renewal contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the proposed permit have been derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121–145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (65-00353) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

TechSpec, Inc. State Only Operating Permit Application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the TechSpec, Inc. State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

**65-00921: Smithfield Packaged Meats Corp./Arnold Plant** (2200 Rivers Edge Dr., New Kensington, PA 15068-4540). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is

providing notice of intent to issue a natural minor State Only Operating Permit for the meat processing operation at their facility located in the City of Arnold, **Westmoreland County**.

Smithfield produces a number of different processed meat products on four separate cooking lines. This facility is limited to 0.04 gr/dscf particulate matter and 20% opacity up to 3 minutes/hr, 60% at any time. This facility has the potential to emit 19.76 tons of NO<sub>x</sub>, 20.61 tons of CO, 7.11 tons of PM, 1.35 tons of VOCs, and 0.15 ton of SO<sub>x</sub> per 12-consecutive month period. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00921) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) intends to issue an initial Natural Minor Operating Permit for the following facility:

**OP19-000017: Seravalli, Inc.** (10059 Sandmeyer Lane, Philadelphia, PA 19116), for the operation of air emission sources in a general contracting, highway, street, and sidewalk construction company in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 400 tons per hour (tph)

crusher with water spray with a 350-horsepower diesel engine and one (1) 150-350 (tph) vibratory screener with a 100-horsepower diesel engine.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.*

**64-00021A: Harris Crematorium, LLC** (P.O. Box 6, Liberty, NY 12754) for their facility located in Damascus Township, **Wayne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Harris Crematorium for their facility located in Damascus Township, Wayne County. Plan Approval No. 64-00021A will be incorporated into a Natural Minor Operating Permit at a later date.

Plan Approval No. 64-00021A is for a crematory facility which includes one (1) propane/natural gas-fired controlled by an afterburner. The company shall be subject to and comply with BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit

No. 64-00021A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

### 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:

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	

Alkalinity greater than acidity<sup>1</sup>

<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.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).*

**Permit No. 56900701 and NPDES Permit No. PA0214078. PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541 to renew the permit and related NPDES Permit for Job 12 Expansion CRDA located in Shade Township, **Somerset County**. No additional discharges. The application was considered administratively complete on July 28, 2021. Application received: April 19, 2021.

**Permit No. 32041301 and NPDES Permit No. PA0235644. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201 to renew the permit and related NPDES Permit for Brush Valley Mine located in Center Township, **Indiana County**. No additional discharges. The application was considered administratively complete on July 30, 2021. Application received: April 30, 2021.

**Permit No. 56961301 and NPDES Permit No. PA0214736. RoxCoal, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541 to renew and revise the permit and related NPDES Permit for reclamation only, additionally to allow outfalls 003 and 004 to discharge to Card Machine Run as designed, for Sarah Mine in Jenner Township and Jennerstown Borough, **Somerset County**. Receiving stream(s): Card Machine Run classified for the following use: HQ-WF. The application was considered administratively complete on August 4, 2021. Application received: May 24, 2021.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 16940105. Neiswonger Construction, Inc.**, 17592 Route 322, Strattanville, PA 16258, transfer of an existing bituminous surface mine from Original Fuels, Inc. in Perry Township, **Clarion County**, affecting 131.0 acres. Receiving stream(s): Unnamed Tributaries to the Allegheny River, classified for the following use(s): WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 26, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 49861303R7. Bear Gap Coal Company**, 859 East Main Street, Spring Glen, PA 17978, renewal of an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 1.9 acres. Receiving stream: Zerbe Run to Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: July 22, 2021.

**Permit No. 49861303T2. Bear Gap Coal Co., LLC**, 859 East Main Street, Spring Glen, PA 17978, transfer of an existing anthracite underground mine operation from Bear Gap Coal Company in Zerbe Township, **Northumberland County** affecting 1.9 acres. Receiving stream: Zerbe Run to Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: July 22, 2021.

**Permit No. GP12-54773006. Reading Anthracite Company**, P.O. Box 1200, Pottsville, PA 17901, application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54773006 in Cass and Foster Townships, **Schuylkill County**. Application received: July 27, 2021.

#### *Coal Applications Withdrawn*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).*

**Permit No. 30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to revise the permit and related NPDES Permit for construction of an injection borehole for Bailey Mine & Prep Plant located in Richhill Township, **Greene County**, affecting



5.9 proposed surface acres. No additional discharges. The application was considered administratively complete on November 13, 2020. Application received: September 30, 2020. Permit Withdrawn: August 3, 2021.

#### *Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 66880302T. Twin Falls Resources, LLC**, 326 Post Hill Road, Falls, PA 18615, transfer of an existing quarry operation from Geary Enterprises Concrete in Falls Township, **Wyoming County** affecting 116.0 acres. Receiving stream: Buttermilk Creek, classified for the following uses: cold water and migratory fishes. Application received: July 6, 2021.

**Permit No. 48870301C14 and NPDES Permit No. PA0593893. H & K Group, Inc.**, P.O. Box 196, Skippack, PA 19474, correction to an existing quarry and NPDES Permit for discharge of treated mine drainage to add Discharge Point 004 in Lower Mt. Bethel Township, **Northampton County** affecting 248.14 acres. Receiving streams: Mud Run, classified for the following use: cold water fishes and Delaware River, classified for the following use: warm water fishes. Application received: July 23, 2021.

**Permit No. 66040807. Kevin E. Johnson**, 3660 Sugar Hill Road, Sugar Run, PA 18846, Stage I & II bond release of a quarry operation in Braintrim Township, **Wyoming County** affecting 2.0 acres on quarry owned by Kevin E. Johnson. Application received: July 30, 2021.

**Permit No. 64070814. Louie J. Stone**, 5196 Gelatt Road, Thompson, PA 18465, Stage I & II bond release of a quarry operation in Starrucca Borough, **Wayne County** affecting 2.0 acres on quarry owned by Louie J. Stone. Application received: July 30, 2021.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which

the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.*

**Permit No. E2301221-014, Township of Upper Darby**, 100 Garrett Road, Upper Darby, PA 19082, Upper Darby Township, **Delaware County**, ACOE Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with the Darby Creek



Trail over Darby Creek (CWF, MF). The proposed project is the extension of the Darby Creek Trail and includes two (2) proposed pedestrian bridges, which completely spans over the floodway of Darby Creek (CWF, MF). The project does not propose any permanent wetland impacts. The project proposes 1,100 sq ft of permanent waterway impact and 16,680 sq ft of permanent floodway impact. There are minimal impacts to the floodplain.

The site is approximately located at Gillespie Park near Sycamore Avenue, Creek Road, and Bloomfield Avenue, Drexel Hill (Lansdowne, Lat.: 39° 56' 24"; Long.: -75° 18' 16") in Upper Darby Township, Delaware County.

**Permit No. E4601221-015, Hatboro York Road, LLC c/o The Verrichia Company, LLC**, 329B South Main Street, Doylestown, PA 18901, Borough of Hatboro, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 5,585 square foot Wawa Convenience Store and Gas Station with associated amenities in and along the 100-year floodway of Pennypack Creek, (TSF, MF) impacting approximately 0.15 acre of the existing floodway of Pennypack Creek.

The site is located at 402 South York Road and near the intersection of South York and Horsham Roads (Hatboro, PA USGS map; Lat: 40.171470; Long: -75.1105070) in the Borough of Hatboro, Montgomery County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E2203220-027. Lower Paxton Township Authority**, 425 Prince Street, Harrisburg, PA 17109, **Dauphin County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Beaver Creek Mini-Basins 7 & 8 Sewer System Improvements project.

1. 9 stream bank restoration/stream bank protection sites consisting of rip rap/live stake installation impacting approximately 816 linear feet of stream channel (Nyes Run & tributaries).

2. 11 utility line stream crossings consisting of installation of sanitary sewer lines below streambed impacting approximately 78 linear feet of stream channel (Nyes Run & tributaries).

3. 8 utility line wetland crossings consisting of installation of sanitary sewer lines below wetland surface impacting approximately 0.78 acre.

Project includes the replacement of approximately 46,000 linear feet of sanitary sewer lines and associated manholes and laterals and approximately 20,400 linear feet of new and replacement storm sewer infrastructure. The project is located along Devonshire Heights Road, Beaver Creek Mini-Basins 7 and 8 (Harrisburg East, PA Quadrangle, Latitude: 40.305247; Longitude: -76.783848) in Lower Paxton Township, Dauphin County.

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

**E0205220-035, Oakmont Borough**, 767 Fifth Street, Oakmont, PA 15139, Oakmont Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct, operate and maintain two types of river access: an able-bodied access ramp (90 LF) and an ADA compliant switchback access ramp (415 LF) and boat

platform (230 sq ft) along the left descending bank of the Allegheny River (WWF). Permanent impacts will include 5,150 sq ft within the floodway and along 25 LF of this same water course. For the purpose of facilitating recreational, non-motorized boating access to the Allegheny River. The project site is located at 1045 Allegheny Avenue, Oakmont PA 15139 (New Kensington West, PA USGS topographic quadrangle; N: -40°, 31', 44"; W: -79°, 50', 28"; Sub-basin 18A; USACE Pittsburgh District), in Oakmont Borough, Allegheny County.

**E6305221-001, Redevelopment Authority of The County of Washington**, 100 West Beau Street, Suite 603, Washington, PA 15301, South Franklin Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

Amend the existing permit E63052-727, which authorized the construction, operation and maintenance of:

1. A 36 inch, 140-foot-long pipe enclosure for the purpose of constructing an access road. Impacts will include 198 linear feet of permanent impact to stream S-KLE-02, an unnamed tributary of Chartiers Creek (WWF).

2. Fill within W-KLE-02 (PEM Wetland) to construct an access road. Permanent impacts include 0.077 acre.

3. A stormwater management basin within the 100-year floodway of stream S-KLE-02. Permanent impacts include 0.022 acre.

4. An outfall located at the southwest corner of a proposed stormwater management basin. Permanent impacts will include 0.011 acre to floodway of stream S-KLE-02. Temporary impacts will include 0.48 acre.

5. A paved apron with associated hangars within wetland W-KLE-03 (PEM Wetland). Permanent impacts include 0.435 acre.

6. Fill within wetland W-KLE-04 (PEM Wetland) for the purpose of improving grade and elevations of Runway 27 and to assist in meeting the width and grading requirements of Federal Aviation Administration's (FAA) Runway Safety Area (RSA) design standards. Permanent impacts include 0.221 acre. Temporary impacts include 0.040 acre.

7. Fill within the 100-year floodway of stream S-KLE-06 an unnamed tributary of Chartiers Creek (WWF) to improve grading and elevations to meet FAA's RSA design standards. Permanent impacts will include 0.53 acre. Temporary impacts include 0.014 acre.

8. Fill within the 100-year floodway of stream S-KLE-05 an unnamed tributary of Chartiers Creek (WWF). Temporary impacts include 0.008 acre.

For the purpose of expanding the airport facilities and improving the Runway Safety Areas to meet Federal Aviation Administration grading standards for safety.

This amendment is seeking after-the-fact authorization to repair and stabilize two landslides that occurred during permitted construction activities, and proposes to:

Construct, operate and maintain:

1. Fill within W-KLE-05 (PEM Wetland) for land slide stabilization. Permanent impacts include 0.004 acre.

2. Fill within the 100-year floodway of stream S-KLE-06 an unnamed tributary (UNT) of Chartiers Creek (WWF) for stabilization of land slide. Permanent impacts include 0.111 acre and temporary impacts include 0.092 acre.

3. A 24-inch diameter pipe for a temporary stream crossing on stream S-KLE-06 a UNT of Chartiers Creek (WWF). Temporary impacts include 54 LF.

4. Fill within the 100-year floodway of stream S-KLE-05 a UNT of Chartiers Creek (WWF) for stabilization of land slide. Permanent impacts include 0.305 acre.

5. A relocation of a segment of stream S-KLE-5 ab UNT to Chartiers Creek (WWF) for stabilization of slide # 1. Permanent impacts include 252 LF.

6. Fill within 100-year floodway of stream S-KLE-05 a UNT of Chartiers Creek (WWF) for stabilization of land slide # 2. Temporary impacts include 0.412 acre.

7. Removal of earth slide material from the stream S-KLE-05 a UNT of Chartiers Creek (WWF) and construct a 24-inch diameter pipe for a temporary stream crossing for slide # 2. Temporary impacts include 205 LF.

8. A relocation of a 343 LF segment of stream S-KLE-5 a UNT to Chartiers Creek (WWF) for land slide stabilization of slide # 2. Permanent impacts include 343 LF.

9. Fill within W-KLE-07 (PEM Wetland) for land slide stabilization of slide # 2. Permanent impacts include 0.003 acre.

For the purpose of repairing two landslides that occurred during construction of the original permitted activities. The project site is located 205 Airport Road, (Washington West, PA USGS topographic quadrangle; N: 40°, 08', 11"; W: -80°, 17', 24"; Sub-basin 20F; USACE Pittsburgh District), in South Franklin Township, Washington County.

**E6505221-002, Spanky's Real Estate Company, LLC**, 5941 Route 98, Latrobe, PA 15350, Unity Township, **Westmoreland County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain a 60 foot extension to an existing 86 linear feet (LF) of a 48" diameter concrete culvert, which carries an Unnamed Tributary (UNT) to Monastery Run (WWF), for a total 146 LF linear feet of stream enclosure.

2. Place and maintain fill above the proposed stream enclosure and 0.058 acre of PEM wetland in order to extend and connect the dealership's parking lots.

For the purposes of increasing existing customer parking and vehicular sales storage parking from 68 existing total spaces to a total of 81 proposed spaces; improving safety conditions and allowing for safer access to the southern sales lot. The total project impacts will be permanent impacts to 84 linear feet of an Unnamed Tributary (UNT) to The Monastery Run (WWF), 0.034 acre of the floodway of the UNT, and 0.058 acre of Wetland A, a palustrine emergent wetland (PEM). Mitigation will be provided through the purchase of mitigation credits at the Furnace Run Mitigation Bank Project operated by the Land Reclamation Group, LLC.

The project site is located at 5941 Route 98, Latrobe, PA 15350 (Latrobe, PA USGS topographic quadrangle; N: 40°, 17', 50"; W: -79°, 23', 39"; Sub-basin 18C; USACE Pittsburgh District), in Unity Township, Westmoreland County.

*Cambria District, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119, Kelsey Q. Canary.*

**E-0209-21-001. Pennsylvania Department of Environmental Protection. Bureau of Abandoned Mine Reclamation, Cambria Office**, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Rec-

lamation Project, South Fayette Township, **Allegheny County**, U.S. Army Corps of Engineers Pittsburgh District.

The applicant, South Fayette Conservation Group, proposes to eliminate infiltration of surface water into an underground mine by installing geosynthetic clay liner or by grouting the strata beneath the stream bottom using a two-part component polyurethane grout injection. Four sections of stream will be sealed to repair surface water flow. A total of 2,254 linear feet of stream will be affected in Fishing Run and approximately 965 linear feet will be affected in an Unnamed Tributary (UNT) to Millers Run. Both streams are classified as Warm Water Fishes (WWF). This flow abatement will result in the prevention of an estimated 230 pounds of iron pollution per day from entering into Millers Run and Chartiers Creek. In addition, perennial flow will be restored to 2.1 miles of stream channel on Fishing Run and a UNT to Millers Run. Once flow is restored, aquatic life should return to the stream. (Canonsburg Quadrangle 40° 21' 47" N; 80° 11' 41" W)

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

*Contact: Robert Marquez, Senior Project Manager, Telephone Number: 570-327-3636.*

**Permit No. E5829221-003, Williams Field Services Company, LLC**, 310 State Route 29N, Tunkhannock, PA 18657-6817; Gibson and Harford Townships, **Susquehanna County**; ACOE, Baltimore District.

To construct, operate, and maintain:

1. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 1,092 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 08", Long.: -75° 38' 50");

2. a temporary bridge crossing impacting 245 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 08", Long.: -75° 38' 51");

3. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 749 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 08", Long.: -75° 38' 53");

4. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 2,831 square feet (0.07 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 08", Long.: -75° 38' 55");

5. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 1,407 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 08", Long.: -75° 38' 58");

6. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 1,181 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 08", Long.: -75° 38' 59");

7. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 3,250 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 07", Long.: -75° 39' 01");

8. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 4,861 square feet (0.11 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 06", Long.: -75° 39' 04");

9. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 84 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF, MF) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 06", Long.: -75° 39' 05");

10. a temporary bridge crossing impacting 1,398 square feet (0.03 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 05", Long.: -75° 39' 06");

11. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 51 lineal feet of a tributary to Tunkhannock Creek (CWF, MF) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 05", Long.: -75° 39' 07");

12. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 870 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 05", Long.: -75° 39' 07");

13. a temporary bridge crossing impacting 7,744 square feet (0.18 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 03", Long.: -75° 39' 09");

14. an 8-inch diameter natural gas gathering pipeline and temporary bridge crossing impacting 800 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 05", Long.: -75° 39' 41");

15. a permanent access road crossing impacting 168 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 14", Long.: -75° 39' 50");

16. a permanent access road crossing impacting 40 lineal feet of an unnamed tributary to Butler Creek (CWF, MF) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 15", Long.: -75° 39' 49");

17. a permanent access road crossing impacting 38 lineal feet of an unnamed tributary to Butler Creek (CWF, MF) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 14", Long.: -75° 39' 50");

18. a permanent access road crossing impacting 6,750 (0.15 acre) of floodway of Butler Creek (CWF, MF) (Lenoxville, PA Quadrangle; Lat.: 41° 44' 15", Long.: -75° 39' 49").

The Tompkins J. P1 Well Connect natural gas gathering line (6,013 feet) project will convey natural gas from the Tompkins J. P1 well site to the Williams-MacDowall Pipeline located in Gibson and Harford Townships, Susquehanna County. The project will result in 135 linear feet (1,473 square feet) of temporary stream impacts, 78 lineal feet (105 square feet) of permanent stream impacts, 6,750 square feet (0.15 acre) of permanent floodway impacts, 0.57 acre (25,030 square feet) of PEM wetland impacts, 0.03 acre (1,398 square feet) of PSS wetlands impacts, and 168 square feet (0.01 acre) of permanent PEM wetlands impact all for the purpose of constructing, operating, and maintaining a natural gas gathering line for conveyance to market.

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## ACTIONS

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### 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 Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOS.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0294202	Industrial Waste Individual WQM Permit	Issued	West Penn Power Co. 800 Cabin Hill Drive Greensburg, PA 15601-1650	Frazer Township Allegheny County	SWRO
0913932	Joint DEP/PFBC Pesticides Permit	Issued	Beebe Margret 2046 Pleasant View Road Coopersburg, PA 18036-9055	Springfield Township Bucks County	SERO
0914812	Joint DEP/PFBC Pesticides Permit	Issued	Doylestown Borough Bucks County 57 W Court Street Doylestown, PA 18901-4223	Doylestown Borough Bucks County	SERO
0915821	Joint DEP/PFBC Pesticides Permit	Issued	Jefferson Charles 510 Rosie Lane Hatfield, PA 18932	Hilltown Township Bucks County	SERO
0920813	Joint DEP/PFBC Pesticides Permit	Issued	Enclave at Upper Makefield 29 Brown Lane Newtown, PA 18940	Upper Makefield Township Bucks County	SERO
0921819	Joint DEP/PFBC Pesticides Permit	Issued	Fricke David 2225 Esten Road Quakertown, PA 18951-2253	Milford Township Bucks County	SERO
0921824	Joint DEP/PFBC Pesticides Permit	Issued	Dansereau Fred 238 Derstine Road Perkasie, PA 18944-4202	Bedminster Township Bucks County	SERO
0921825	Joint DEP/PFBC Pesticides Permit	Issued	Meyers John 1936 Street Road New Hope, PA 18938	Buckingham Township Bucks County	SERO
1321801	Joint DEP/PFBC Pesticides Permit	Issued	Indian Mountain Lake Civic Assoc 95 Highridge Road Albrightsville, PA 18210	Penn Forest Township Carbon County	NERO
1516828	Joint DEP/PFBC Pesticides Permit	Issued	WD Wells & Assoc, Inc. 190 Woodcrest Road West Grove, PA 19390-9104	London Grove Township Chester County	SERO
2316802	Joint DEP/PFBC Pesticides Permit	Issued	Radnor Township Public Works 301 Iven Avenue Wayne, PA 19087-5204	Radnor Township Delaware County	SERO
2321807	Joint DEP/PFBC Pesticides Permit	Issued	Episcopal Academy 1785 Bishop White Drive Newtown Square, PA 19073-1300	Newtown Township Delaware County	SERO
3921808	Joint DEP/PFBC Pesticides Permit	Issued	Greiss-Coult Mary 6553 Hoffman Lane Coopersburg, PA 18036-3030	Lower Milford Township Lehigh County	NERO



## NOTICES

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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>
3921810	Joint DEP/PFBC Pesticides Permit	Issued	Barebo Charles 4602 S 5th Street Emmaus, PA 18049	Upper Milford Township Lehigh County	NERO
4013820	Joint DEP/PFBC Pesticides Permit	Issued	Nuangola Lake Association 26 Nuangola Avenue Mountain Top, PA 18707-9124	Nuangola Borough Luzerne County	NERO
4319801	Joint DEP/PFBC Pesticides Permit	Issued	Lake Latonka POA 420 Latonka Drive Mercer, PA 16137-9373	Coolspring Township Mercer County	NWRO
4514807	Joint DEP/PFBC Pesticides Permit	Issued	Valhalla Lake Association, Inc. 163 Lake Valhalla East Stroudsburg, PA 18301-8773	Smithfield Township Monroe County	NERO
4521807	Joint DEP/PFBC Pesticides Permit	Issued	Indian Mountain Lake Civic Assoc 95 Highridge Road Albrightsville, PA 18210-7771	Tunkhannock Township Monroe County	NERO
4621820	Joint DEP/PFBC Pesticides Permit	Issued	Enclave at the Promenade 344 Dryden Road Dresher, PA 19025	Upper Dublin Township Montgomery County	SERO
6421807	Joint DEP/PFBC Pesticides Permit	Issued	Hidden Lake Estates POA 1127 Acacia Drive Hawley, PA 18428-4669	Paupack Township Wayne County	NERO
6421809	Joint DEP/PFBC Pesticides Permit	Issued	Schoenfeld Steven 361 Stalker Road Equinunk, PA 18417-3522	Manchester Township Wayne County	NERO
6421810	Joint DEP/PFBC Pesticides Permit	Issued	Schoenfeld Steven 361 Stalker Road Equinunk, PA 18417-3522	Damascus Township Wayne County	NERO
PA0026166	Major Sewage Facility >= 5 MGD Individual NPDES Permit	Issued	Warminster Municipal Authority Bucks County 415 Gibson Avenue P.O. Box 2279 Warminster, PA 18974-4163	Warminster Township Bucks County	SERO
PA0082864	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Jesus Ministries, Inc. 17512 Rapture Street Shirleysburg, PA 17260-9318	Cromwell Township Huntingdon County	SCRO
NNOEXSC83	No Exposure Certification	Issued	Pratt & Whitney Amercon, Inc. 181 Fulling Mill Road Middletown, PA 17057-5702	Lower Swatara Township Dauphin County	SCRO
NOEXSC148	No Exposure Certification	Issued	Multi Color, Corp 405 Willow Springs Lane York, PA 17406-6047	East Manchester Township York County	SCRO
NOEXSC353	No Exposure Certification	Issued	National Exp, LLC 2601 Navistar Drive Lisle, IL 60532-3679	West Manchester Township York County	SCRO
NOEXSC368	No Exposure Certification	Issued	Hain Celestial Group, Inc. 3775 Hempland Road Mountville, PA 17554-1541	East Hempfield Township Lancaster County	SCRO
NOEXSC369	No Exposure Certification	Issued	Hain Celestial Group, Inc. 3775 Hempland Road Mountville, PA 17554-1541	West Hempfield Township Lancaster County	SCRO
NOEXSE056	No Exposure Certification	Issued	3M, Co. 3M Center Building 224-5W-03 St. Paul, MN 55144-1000	Limerick Township Montgomery County	SERO

<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>
PAG036253	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Washington Pike Ind Park, LLC P.O. Box 522 Lawrence, PA 15055	Scott Township Allegheny County	SWRO
PAG036299	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Maitri Genetics, LLC 120 Beta Drive Pittsburgh, PA 15238-2932	Ohara Township Allegheny County	SWRO
PAG038394	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Dawson Auto Wrecking, LLC 113 Protzman Road Butler, PA 16002-9145	Summit Township Butler County	NWRO
PAG038396	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	UFP Parker, LLC 2801 E Beltline Avenue NE Grand Rapids, MI 49525-9680	Shippenville Borough Clarion County	NWRO
PAR118331	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ascensus Specialties Callery, LLC 1424 Mars Evans City Road Evans City, PA 16033-9360	Forward Township Butler County	NWRO
PAR706120	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hanson Aggregates PA, LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Somerset Township Washington County	SWRO
PAG123780	PAG-12 NPDES General Permit for CAFOs	Issued	Brubaker Robert L Jr. 2871 N Colebrook Road Manheim, PA 17545-8309	Mount Joy Township Lancaster County	SCRO
PAG123845	PAG-12 NPDES General Permit for CAFOs	Issued	Musser Keith 300 Evergreen Road New Bloomfield, PA 17068-9308	Carroll Township Perry County	SCRO
PAG123857	PAG-12 NPDES General Permit for CAFOs	Issued	Cornelius John 19062 Trough Creek Valley Pike Mapleton Depot, PA 17052-9635	Cass Township Huntingdon County	SCRO
PAG123858	PAG-12 NPDES General Permit for CAFOs	Issued	Laurel Ridge Pig, Co. 700 Swamp Church Road Reinholds, PA 17569-9417	West Cocalico Township Lancaster County	SCRO
PAG123878	PAG-12 NPDES General Permit for CAFOs	Issued	J & L Groff Farms, LLC 2906 Dettinger Road Brogue, PA 17309-9211	Chanceford Township York County	SCRO
PAG123909	PAG-12 NPDES General Permit for CAFOs	Issued	Nolt Glendon 252 Millbach Road Newmanstown, PA 17073-9233	Greenwich Township Berks County	SCRO
PAG126109	PAG-12 NPDES General Permit for CAFOs	Issued	Hyasota Hill Farms, LLC 264 Hyasota Hill Road Hollsopple, PA 15935-7204	Conemaugh Township Somerset County	SCRO
1489412	Sewage Treatment Facilities Individual WQM Permit	Denied	University Area Joint Authority 1576 Spring Valley Road State College, PA 16801-8401	Benner Township Centre County	NCRO
2500407	Sewage Treatment Facilities Individual WQM Permit	Issued	Debbie & George Wnukoski 5740 Peck Road Erie, PA 16510-5749	Harborcreek Township Erie County	NWRO
2521410	Sewage Treatment Facilities Individual WQM Permit	Issued	Cunningham Joseph B 9599 Peach Street Waterford, PA 16441-4031	LeBoeuf Township Erie County	NWRO
2721402	Sewage Treatment Facilities Individual WQM Permit	Issued	Craig & Mark Counselman 7621 Brainard Court Mentor, OH 44060-3968	Harmony Township Forest County	NWRO
3121401	Sewage Treatment Facilities Individual WQM Permit	Issued	Buddy & Dorianne Murtiff 4721 Briggs Lane Alexandria, PA 16611	Morris Township Huntingdon County	SCRO

<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>
4696413	Sewage Treatment Facilities Individual WQM Permit	Issued	Lansdale Borough Montgomery County One Vine Street Lansdale, PA 19446-3601	Lansdale Borough Montgomery County	SERO
PA0204064	Single Residence STP Individual NPDES Permit	Issued	Robson Jeffrey S 829 Baileys Run Road Tarentum, PA 15084-3720	Frazer Township Allegheny County	SWRO
PA0261220	Single Residence STP Individual NPDES Permit	Issued	Brenneman Jason S 11973 Hartslog Valley Road Huntingdon, PA 16652-7338	Walker Township Huntingdon County	SCRO
PA0261408	Single Residence STP Individual NPDES Permit	Issued	Garner Amanda & Garner Ross 311 Hoy Road Carlisle, PA 17013-8540	North Middleton Township Cumberland County	SCRO
PA0261530	Single Residence STP Individual NPDES Permit	Issued	Runyan Roddy A 1370 Waggoners Gap Road Carlisle, PA 17013-8371	North Middleton Township Cumberland County	SCRO
PA0264342	Single Residence STP Individual NPDES Permit	Issued	Dennis & Linda Desilvey 211 Gearhart Road Pulaski, PA 16143-1307	Shenango Township Mercer County	NWRO
PA0281832	Single Residence STP Individual NPDES Permit	Issued	Buddy & Dorianne Murtiff 4721 Briggs Lane Alexandria, PA 16611	Morris Township Huntingdon County	SCRO
PA0289213	Single Residence STP Individual NPDES Permit	Issued	Debbie & George Wnukoski 5740 Peck Road Erie, PA 16510-5749	Harborcreek Township Erie County	NWRO
PA0289272	Single Residence STP Individual NPDES Permit	Issued	Craig & Mark Counselman 7621 Brainard Court Mentor, OH 44060-3968	Harmony Township Forest County	NWRO
PA0289311	Small Flow Treatment Facility Individual NPDES Permit	Issued	Cunningham Joseph B 9599 Peach Street Waterford, PA 16441-4031	Le Boeuf Township Erie County	NWRO

## 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, County</i>	<i>Office</i>
PAC510208	PAG-02 General Permit	Issued	PA Philadelphia & G Street, LLC 455 East Airport Road Suite 201 Hebert City, UT 84032	City of Philadelphia Philadelphia County	SERO
PAC510212	General	Permit Issuance	Zatos Investments 620 South Broad Street Philadelphia, PA 19146	City of Philadelphia Philadelphia County	SERO
PAC510205	PAG-02 General Permit	Issued	ExecuHomes, LLC 555 Croton Road Suite 307 King of Prussia, PA 19407	City of Philadelphia Philadelphia County	SERO
PAC510164	PAG-02 General Permit	Issued	Fairmount Street Partners, LP 359 Springfield Avenue 2nd Floor Summit, NJ 07901-4603	City of Philadelphia Philadelphia County	SERO
PAC510166	PAG-02 General Permit	Permit Issuance	Philadelphia Authority for Industrial Development 1500 Market Street Suite 3500 West Philadelphia, PA 19102	City of Philadelphia Philadelphia County	SERO

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510171	PAG-02 General Permit	Permit Issuance	Northern Star Developments, LLC 2186 E. Norris Street Philadelphia, PA 19125	City of Philadelphia Philadelphia County	SERO
PAC510172	PAG-02 General Permit	Permit Issuance	Ben Franklin Residences 1453 Point Breeze Avenue Philadelphia, PA 19146-4521	City of Philadelphia Philadelphia County	SERO
PAC510175	PAG-02 General Permit	Permit Issuance	The Philadelphia Shipyard, Inc. 2100 Kitty Hawk Avenue Philadelphia, PA 19112-1808	City of Philadelphia Philadelphia County	SERO
PAC510177	PAG-02 General Permit	Permit Issuance	Summit Realty Advisors, LLC 201 S Maple Ave Suite 100 Ambler, PA 19002	City of Philadelphia Philadelphia County	SERO
PAD150218	Individual NPDES	Issued	James Goodchild, Owner 1559 Beechnut Circle Maple Glen, PA 19002-2833	Warwick Township Chester County	SERO
PAD230034 A-2	Individual NPDES	Amendment	WV-PP Towne Center, L.P. 940 Sproul Rd Suite 301 Springfield, PA 19064	Middletown Township Delaware County	SERO
PAD150216	Individual NPDES	Issued	Toni Ioppolo Revocable Trust 11 Andrews Road Malvern, PA 19355	Willistown Township Chester County	SERO
PAD510008	Individual NPDES	Renewal	Penrose Park Associates, L.P. 1750 Walton Road Blue Bell, PA 19422-0465	City of Philadelphia Philadelphia County	SERO
PAD090072	Individual NPDES	Renewal	Gorski Engineering, Incorporated 1 Iron Bridge Road Collegeville, PA 19426-2058	Milford Township Bucks County	SERO
PAD510068	Individual NPDES	Renewal	IKEA Property, Inc. 420 Alan Wood Road Conshohocken, PA 19428	City of Philadelphia Philadelphia County	SERO
PAC350118	PAG-02 General Permit	Issued	IIP-PA 1, LLC 11440 West Bernardo Court San Diego, CA 92127-1640	City of Scranton Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAD480145	Individual NPDES	Issued	Valley Industrial Properties, LLC c/o Steve Kolbe 21 E. 10th Street Northampton, PA 18067	Plainfield Township Northampton County	NERO
PAD390191	Individual NPDES	Issued	West Hills (Hillwood) Partners, LP 5050 W. Tilghman Street Suite 435 Allentown, PA 18104	Weisenberg Township Lehigh County	NERO
PAD440014	Individual NPDES	Issued	Mifflin County School District 201 Eighth Street Lewistown, PA 17044	Derry Township Mifflin County	SCRO



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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC210249	PAG-02 General Permit	Issued	Todd M. Rabert 380 South Locust Point Road Mechanicsburg, PA 17055	Monroe Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210247	PAG-02 General Permit	Issued	Shippensburg University 1871 Old Main Drive Shippensburg, PA 17257	Shippensburg Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210256	PAG-02 General Permit	Issued	Golf Enterprises, Inc. 4400 Deer Path Woods Suite 1 Harrisburg, PA 17110	Hampden Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC220282	PAG-02 General Permit	Issued	RLIF Fulling Mill Holdings, LLC 201 West Street Suite 200 Annapolis, MD 21401	Lower Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC280247	PAG-02 General Permit	Issued	T.G. Mercer Consulting Services, Inc. 120 El Chico Trail Willow Park, TX 76087-8865	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280243	PAG-02 General Permit	Issued	BW Properties, LLC 1002 Wayne Avenue Chambersburg, PA 17201-2999	Borough of Chambersburg Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280239	PAG-02 General Permit	Issued	2020 Marion DG, LLC 14703 Indian Springs Road Hancock, MD 21750-2232	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280241	PAG-02 General Permit	Issued	Randy's Lawn Care 1480 Mountain Shadow Terrace Fayetteville, PA 17222-9322	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280240	PAG-02 General Permit	Issued	Sheetz, Inc. 351 Sheetz Way Claysburg, PA 16625-8346	Antrim Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280252	PAG-02 General Permit	Issued	Christopher Timmons 10352 Tim Road Orrstown, PA 17244-9724	Letterkenny Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280238	PAG-02 General Permit	Issued	ATAPCO Acquisitions, LLC 1 South Street Suite 2800 Baltimore, MD 21202-3335	Antrim Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280248	PAG-02 General Permit	Issued	Antrim Township 13431 Antrim Church Road Greencastle, PA 17225-0130	Antrim Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280278	PAG-02 General Permit	Issued	Majestic at Whiskey Run 3411 Horst Lane Chambersburg, PA 17202-9271	Hamilton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280097 A-2	PAG-02 General Permit	Issued	White Rock, Inc. 3720 Clubhouse Drive Fayetteville, PA 17222-9683	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280250	PAG-02 General Permit	Issued	Guarriello Limited Partnership 373 Craig Road Greencastle, PA 17225-9790	Borough of Chambersburg Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280010 A-1	PAG-02 General Permit	Issued	Herbruck Poultry Ranch, Inc. 6425 West Grand River Avenue Saranac, MI 48881	Montgomery Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280180 A-1	PAG-02 General Permit	Issued	Robert Leisher 719 Shatzer Orchard Road Chambersburg, PA 17202	Hamilton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280087 A-1	PAG-02 General Permit	Issued	Shalom Christian Academy 126 Social Island Road Chambersburg, PA 17202	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC360323 A-1	PAG-02 General Permit	Issued	Lancaster Host Resort 2300 Lincoln Highway East Lancaster, PA 17602	East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360527	PAG-02 General Permit	Issued	PennDOT District 8-0 2140 Herr Street Harrisburg, PA 17103	East Hempfield Township Manor Township Lancaster County	County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360611 A-1	PAG-02 General Permit	Issued	Robert Brubaker 2871 North Colebrook Road Manheim, PA 17545	Rapho Township Lancaster County	County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360662	PAG-02 General Permit	Issued	King Family Estate, LLC 6112 Wanner Road Narvon, PA 17555	East Earl Township Lancaster County	County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC380203	PAG-02 General Permit	Issued	Fort Indiantown Gap National Training Center Fort Indiantown Gap Building S047 Annville, PA 17003	Union Township East Hanover Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC380213	PAG-02 General Permit	Issued	County of Lebanon 400 South 8th Street Room 207 Lebanon, PA 17042	North Cornwall Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380214	PAG-02 General Permit	Issued	Greater Lebanon Refuse Authority 1610 Russell Road Lebanon, PA 17046	North Annville Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380211	PAG-02 General Permit	Issued	Lebanon Valley College 101 North College Avenue Annville, PA 17003	Annville Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380215	PAG-02 General Permit	Issued	Prologis, LP 7584 Morris Court Suite 200 Allentown, PA 18106	Bethel Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380221	PAG-02 General Permit	Issued	Stephen Martin 1401 Prescott Road Lebanon, PA 17042	South Lebanon Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380193	PAG-02 General Permit	Issued	PA Department of General Services 1800 Herr Street Harrisburg, PA 17103	Union Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380218	PAG-02 General Permit	Issued	Joseph John Pennsylvania Realty, LLC 3010 Hanford Drive Lebanon, PA 17046	North Lebanon Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275



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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670489	PAG-02 General Permit	Issued	Envirite of Pennsylvania 730 Vogelsong Road York, PA 17404	City of York York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAD180026	Individual Permit	Issued	Autozone Store # 6878 153 Hogan Blvd Mill Hall, PA 17751	Bald Eagle Township Clinton County	NCRO
PAC020263 A-1	PAG-02 General Permit	Issued	Mero South Park Ventures, LLC 3895 Stoneridge Lane Dublin, OH 43017	South Park Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8010
PAC040107	PAG-02 General Permit	Issued	Brighton Township Chapel Drive and Edgewood Drive Beaver, PA 15009	Brighton Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC040108	PAG-02 General Permit	Issued	Giant Eagle, Inc. Beaver Valley Mall Boulevard Monaca, PA 15061	Center Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC630222	PAG-02 General Permit	Issued	Tiffany Reed 300 Galley Road McMurray, PA 15317	Robinson Township Washington County	Washington County Conservation District Suite 1 50 Old Hickory Ridge Road Washington, PA 15301 724-705-7098
PAC650021	PAG-02 General Permit	Issued	Western Pennsylvania Operating Engineers 457 Christopher Road New Alexandria, PA 15670	Salem Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650270	PAG-02 General Permit	Issued	Belle Vernon (51) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Rostraver Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC650274	PAG-02 General Permit	Issued	Mount Pleasant Township Municipal Authority P.O. Box 258 2358 Mount Pleasant Road Norvelt, PA 15674	Mount Pleasant Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650276	PAG-02 General Permit	Issued	University of Pittsburgh 3400 Forbes Avenue Pittsburgh, PA 15260	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650294	PAG-02 General Permit	Issued	SFG2 Group, LLC Suite 500 3819 Old William Penn Highway Murrysville, PA 15668	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC430001A1	PAG-02 General Permit	Issued	Lake Latonka Property Owners Association 420 Latonka Drive Mercer, PA 16137	Coolspring Township Jackson Township Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC370057	PAG-02 General Permit	Issued	PTV 1015, LLC 400 Penn Center Boulevard Building 4 Suite 1000 Pittsburgh, PA 15235	New Castle City Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAD270001	Individual NPDES	Issued	PA DCNR 400 Market Street Harrisburg, PA 17105	Barnett Township Forest County	NWRO
PAC430060	PAG-02 General Permit	Issued	Borough of Greenville 125 Main Street Greenville, PA 16125	Greenville Borough Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC250005A1	PAG-02 General Permit	Issued	Mr. Allen F Hawthorne Miss Ann E Baldwin 5148 Peach Street PMB 305 Erie, PA 16509	Millcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC040034	Individual NPDES (Major Amendment)	Issued	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106-7676	Big Beaver Borough Homewood Borough North Sewickley Township Beaver County	Regional Permit Coordination Office (RPCO)—Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD070016	Individual NPDES	Issued	Frankstown Development Partnership, LLC 803 Telpower Road Hollidaysburg, PA 16648	Frankstown Township Blair County	Regional Permit Coordination Office (RPCO)—Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov
PAD380012	Individual NPDES	Issued	Exel Inc. d/b/a DHL Supply Chain (USA) 360 Westar Boulevard Westerville, OH 43082	South Lebanon Township Lebanon County	Regional Permit Coordination Office (RPCO)—Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov

**STATE CONSERVATION COMMISSION  
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN  
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU’s</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Michael Martin 2050 West Main Street Ephrata, PA 17522	Lancaster	77	129.94	Ducks/ Beef	NA	Approved
Rohrer Dairy Farms, LLC Michael Rohrer 124 Charlestown Road Washington Boro, PA 17582	Lancaster	949.3	3,987.06	Dairy	NA	Approved
Clair Burkholder 316 Center Road Quarryville, PA 17566	Lancaster	328.1	804.06	Layers/ Steers/ Swine	HQ	Approved

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 1521511**, Public Water Supply.

Applicant **Hotel Du Village**  
2535 River Road  
New Hope, PA 18938

Township Solebury

County **Chester**

Type of Facility PWS

Consulting Engineer J.S. Madaras Consulting, Inc.  
250 Indian Lane  
Boyertown, PA 19512

Permit to Construct Issued June 24, 2021

**Permit No. 0921511**, Public Water Supply.

Applicant **North Wales Water Authority**  
200 West Walnut Street  
P.O. Box 1339  
North Wales, PA 19454

Township Warrington

County **Bucks**

Type of Facility PWS

Consulting Engineer CKS Engineering, Inc.  
4259 West Swamp Road  
Suite 410  
Doylestown, PA 18902

Permit to Construct Issued August 4, 2021

*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. 2409003**, Operations Permit, Public Water Supply.

Applicant **Pennsylvania American Water Company—Crystal Lake WTP**  
852 Wesley Dr.  
Mechanicsburg, PA 17055

[Borough or Township] Bear Creek Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Mr. Scott M. Thomas, P.E.  
Pennsylvania American Water Company  
852 Wesley Park Drive  
Mechanicsburg, PA 17055

Permit to Operate Issued July 29, 2021

**Permit No. 2580023**, Operations Permit, Public Water Supply.

Applicant **Pennsylvania American Water Company (Montrose WTP)**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Township Bridgewater Township

County **Susquehanna**

Type of Facility PWS

Consulting Engineer Ms Maureen V Bower PE  
Engineering Project Manager  
Pennsylvania American Water Company  
2699 Stafford Ave  
Scranton, PA 18505

Permit to Operate Issued July 28, 2021

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1421501**, Major Amendment, Public Water Supply.

Applicant **Unionville Borough**  
P.O. Box 81  
Fleming, PA 16835

Borough or Township Union Township

County **Centre County**

Type of Facility Public Water Supply

Consulting Engineer K. Alan Uhler Jr., P.E.,  
P.L.S Kerry A. Uhler & Associates, Inc.  
140 West High Street  
Bellefonte, PA 16823

Permit Issued April 4, 2021

**Operations Permit** issued to: **Benner Township Water Authority**, 170 Irish Hollow Road, Bellefonte, PA



16823, **Centre County** on August 6, 2021, for the operation of facilities approved under construction permit # 1421503MA. This permit authorizes Benner Township Water Authority to return to service the rehabilitated Hampton Hills water-storage tank and remove from service the temporary water-supply system.

**Operations Permit** issued to: **Porter Township Municipal Authority**, 216 Spring Run Road, Mill Hall, PA 17751-9587, PWSID No. 4180055, Porter Township, **Clin-ton County** on August 10, 2021 for the operation of facilities approved under construction permit # 1820502. This permit approved operation of the major permit amendment No. 1820502 for operation of the permanent Interconnection with PA American Water Company—Nittany.

**Operations Permit** issued to: **Williamsport Municipal Water Authority**, 253 West Fourth Street, Williamsport, PA 17701, PWSID No. 4410173, City of Williamsport, **Lycoming County** on August 8, 2021 for the operation of facilities approved under construction permit # 4120505MA. This permit authorizes operation of the recently rehabilitated Grampian Reservoir, including new liner and floating cover with the Raven Industries, Inc., Dura-Skrim N45B, 45-mil, skrim reinforced, polyethylene system, two mixers within the reservoir and modifications of the supplemental disinfection system.

**Operations Permit** issued to: **Pike Township Municipal Authority**, P.O. Box 27, Curwensville, PA 16833, PWSID No. 6170013, Pike Township, **Clearfield County** on July 23, 2021 for the operation of facilities approved under construction permit # 1721502MA. This permit authorizes operation of the improvements to Pike Township Municipal Authority's water treatment plant and standard operating procedures described in the application submitted in March 2021 for minor permit amendment, including a Corrective Action Plan required by the Consent Order and Agreement, dated November 18, 2020, to equip the water treatment plant with alarm and shutdown capabilities that are in compliance with 25 Pa. Code § 109.602(g),(i).

#### 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: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5887.*

*Contact: Kimberleigh Rivers, Clerk Typist 2, 424.250.5887.*

**WA-09-622D, Water Allocations. Yardley Borough**, 1145 Edgewood Road, Yardley, PA 19067, **Bucks County**, withdraw up to maximum of 6.0 mgd from Delaware River.

**WA-15-917A, Water Allocations. Valley Township**, 890 West Lincoln Township, P.O. 467, Coatesville, PA 19320, Valley Township, **Chester County**. Renewal of subsidiary water allocation permit from Pennsylvania American Water Company.

**WA-09-963A, Water Allocations. Northampton Township**, 815 Bustleton Pike, Richboro, PA 18954, Northampton Township, **Bucks County**. Subsidiary water allocation renewal and add the system that is buying water and the system that is selling water.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

##### *Plan Location:*

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Frankstown Township	2122 Frankstown Road Hollidaysburg, PA 16648	Blair

##### *Plan Description:*

Approval of a revision to the official plan of Frankstown Township, Blair County. The project is known as Richard Botteicher Property SFTF. The plan provides for the installation of a small flow treatment facility with a discharge through a recorded easement to Oldtown Run, to replace a failing on-lot sewage disposal system for a single-family dwelling on a 0.85-acre lot. The property is located at 153 Burket Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-07911-212-3s and the APS Id is 1041653. Any permits must be obtained in the name of the property owner.

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

##### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in

the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.*

**Gray Brothers Farm**, 1025 Worthington Road, Exton, PA 19341, Uwchlan Township, **Chester County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Quakertown, PA 18951 on behalf of Thomas G. Kessler, Worthington Partners II, Inc., 1273 Butler Pike, Blue Bell, PA 19422 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the site-specific standard.

**HP Inc.—Avondale Groundwater Remediation Site**, 374 Starr Road, Landenberg, PA 19350, New Garden Township, **Chester County**. Tom Donahue, CDM Smith, Inc., 280 Granite Run Drive, Suite 160, Lancaster, PA 17601 on behalf of Christopher Dirscherl, HP, Inc., 1501 Page Mill Road, Palo Alto, CA 94304 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated compounds. The report is intended to document remediation of the site to meet the site-specific standard.

**Hoplamazian Property**, 1890 Middletown Road, Glen Mills, PA 19342, Edgemont Township, **Delaware County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Sona Hoplamazian, 4 Hampton Lane, Glen Mills, PA 19342 submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the site-specific standard.

**Giles & Ransome**, 2975 Galloway Road, Bensalem, PA 19020, Bensalem Township, **Bucks County**. Jennifer Gresh, PG, Duffield Associates, Inc., 211 North 13th Street, Suite 704, Philadelphia, PA 19107 on behalf of Wayne Bromley, Giles & Ransome, Inc., 575 Pinetown Road, Unit 288, Fort Washington, PA 19034 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with PAHs, metals and VOCs. The report is intended to document remediation of the site to meet the site-specific standard.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Porter Tower Joint Municipal Authority**, 860 West Grand Ave., Tower City, PA 17980, Porter Township, **Schuylkill County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of UGI Energy Services, 19 Richmond Dr., Mansfield, PA 16933, submitted a Final Report concerning remediation of soil and groundwater contaminated by a historic release of petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide health standards.

**Shields Compressor Station**, 322 Hunsinger Road, Springville, PA 18844, Dimock Township, **Susquehanna County**. Aptim Environmental & Infrastructure, LLC, 500 Penn Center, Suite 1000, Pittsburgh, PA 15235, on behalf of Williams Field Services Company, LLC, 310 SR29 N, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of a release of produced water, natural gas condensate, lubricating oil and glycols that impacted soil. The report is intended to document remediation of the site to meet Statewide health standards.

*Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Titusville Wax Plant**, 1100 East Main Street (a.k.a. 1007 East Spring Street), 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 4D-4, Morris Plains, NJ 07950 has submitted a Cleanup Plan/Final Report concerning remediation of site soil contaminated with PCBs, PCE, TCE, Sulfur, sulfide, Lead and site groundwater contaminated with PCBs, Tetrachloroethylene, Trichloroethylene, cis-1,2-Dichloroethene, and Vinyl Chloride. 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 environ-



mental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**364 West Susquehanna Street**, 364 West Susquehanna Street, Allentown, PA 18103, Allentown City, **Lehigh County**. Earth Engineering, 115 West Germantown Pike, Suite 200, East Norriton, PA 19401, on behalf of HRES Allentown Susquehanna, LLC, 5601 Mariner Street, Suite 100, Tampa, FL 33609, submitted a Final Report concerning remediation of soil contaminated by petroleum from underground storage tanks. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on August 5, 2021.

**Air Products & Chemicals—Schoeneck Road Lot 1**, 3262 Schoeneck Road, Macungie, PA 18062, Lower Macungie Township, **Lehigh County**. Leidos, 4640 Trindle Road, Camp Hill, PA 17011, on behalf of Air Products and Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, PA 18195, submitted a Final Report concerning remediation of soil contaminated petroleum and pesticides. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on August 9, 2021.

*Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**FirstEnergy Bradford Office Diesel AST Release**, 475 High Street, Bradford, PA 16701-3736, City of Bradford, **McKean County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of FirstEnergy Corporation, 800 Cabin Hill Drive, Greensburg, PA 15601 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Methyl tertiary butyl ether (MTBE), Cumene, Naphthalene, 1,2,4 Trimethylbenzene, and 1,3,5 Trimethylbenzene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on August 6, 2021.

**Former Shenango China Site**, Glass Street, New Castle, PA 16101, City of New Castle, **Lawrence County**. R.A.R. Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101 on behalf of The City of New Castle, 230 North Jefferson Street, New Castle, PA 16101 has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with antimony, arsenic, lead and strontium, 1,1,2,2-tetra-

chloroethane, 1,1,2-trichloroethane, acrolein, bis (2-chloroethyl) ether, n-nitrosodi-n-propylamine and site groundwater contaminated with manganese, arsenic, acrolein, benzidine, benzo(a)pyrene, benzo(b)fluoranthene, benzo[g,h,i]perylene, benzo(k)fluoranthene, bis (2-chloroethyl)ether, chrysene, dibenzo(a,h)anthracene, hexachlorobenzene, hexachloroethane, indeno(1,2,3-cd)pyrene, n-nitrosodi-n-propylamine and pentachlorophenol. The Baseline Environmental Report did not demonstrate attainment of the Special Industrial Area requirements and was disapproved by the Department on August 5, 2021.

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.*

**NP Falls Township Industrial, LLC (KTC) 77-Acre Parcel**, One Ben Fairless Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County**. John A. Garges, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Andy Mace, NP Falls Township Industrial, LLC, 2652 Township Lane, York, PA 17408 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning the remediation of site soil contaminated with SVOCs, metals, cyanide, polychlorinated biphenyls, iron and vanadium. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on July 29, 2021.

**Dreshertown Plaza**, 1424 Dreshertown Road, Dresher, PA 19025, Upper Dublin Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jim Bladel, Dreshertown Plaza, LP, 1301 Lancaster Avenue, Berwyn, PA 19312 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 an administrative deficiency letter on July 29, 2021.

**Farabella Property**, 2301 Computer Avenue, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**. William D. Kraft III, PG, Ramboll, 101 Carnegie Center, Suite 200, Princeton, NJ 08540, on behalf of Ari Levine representing Ernest Farabella, Fisher Broyles, LLP, 1650 Market Street, Suite 36th Floor, Philadelphia, PA 19103 submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Report was reviewed by the Department which issued an administrative deficiency letter on July 30, 2021.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 100345, Delaware County Solid Waste Authority, Rolling Hills Landfill**, 583 Longview Road, Boyertown, PA 19512, Earl Township, **Berks County**.

A major permit modification was issued on August 5, 2021, approving the Southern Area Landfill Expansion at Rolling Hills Landfill.

## 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.*

**GP14-09-0153: Beck-Givnish Funeral Home** (7400 New Falls Road, Levittown, PA 19053) On August 9, 2021 for the renewal of a general Operating Permit for the operation of a human crematory at their location in Bristol Township, **Bucks County**.

**GP5-15-00001A: Columbia Gas Transmission, LLC** (310 Fellowship Road, Chester Springs, PA 19425) On August 9, 2021 General Operating Permit for its Eagle Compressor Station located West Vincent Township, **Chester County**. This General Operating Permit supersedes Title V Operating Permit 15-00022 that expires September 26, 2025.

*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.*

**GP1-06-03103: Aramark Uniform Services** (424 Blair Avenue, Reading, PA 19601) on August 5, 2021, for an existing 16.74 MMBtu/hr natural gas-fired boiler, under GP1, at the industrial laundry facility located in Reading City, **Berks County**. The general permit authorization was renewed.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**GP5-63-00965B/AG5-63-00015A: EQM Poseidon Midstream, LLC** (2200 Energy Drive, Canonsburg, PA 15317) authorization issued on August 05, 2021, for continued operation of the previously installed sources that includes: Two Caterpillar rated at 3,550 bhp, Two Caterpillar rated at 2,370 bhp, two TEG-Dehydrators rated at 61 MMSCFD and 205 MMSCFD, a flare rated at 10.0 MMBtu/hr, pneumatic devices, and miscellaneous storage tanks etc. at Twilight Compressor Station located in West Pike Run Township, **Washington County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**PA-04-00708B: Watco Transloading, LLC** (2701 Route 68 West, Industry, PA 15052-1709) Plan Approval issued on August 4, 2021, for installation and temporary

operation of a Donaldson baghouse rated at 28,000 SCFM at the existing truck loadout operations at their Lot # 2 located in Industry Borough, **Beaver County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**09-0237: TC Millwork Inc.** (3433 Marshall Lane, Bensalem, PA 19020) on August 4, 2021 for the installation and operation of two (2) spray booth operations and associated filters, an Adhesives Application Area, solvent Clean-up Operations, a Milling Room and associated dust collector at their facility located in Bensalem Township, **Bucks County**.

**15-0094C: Metallurgical Products** (810 Lincoln Avenue, West Chester, PA 19381) on August 5, 2021 for the installation of a new Kimre Fiber Bed Filter Control System to reduce phosphoric acid (as condensable particulate matter) and filterable particulate matter during copper alloying operations at their facility located in West Goshen Township, **Chester County**.

**46-0027G: Janssen Research & Development, LLC** (1400 McKean Road, Spring House, PA 19477) on August 6, 2021 for the replacement of the existing selective catalytic reduction (SCR) system for an existing emergency generator set with a new SCR system at their facility located in Lower Gwynedd Township, **Montgomery County**.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**PA-04-00502A Ext: Shasta Services, LLC** (1155 Business Center Dr., Ste. 200, Horsham, PA 19044-3422) plan approval extension issuance date August 10, 2021, to allow to complete the pending construction of sources and associated air cleaning devices at their Shasta facility located in Aliquippa Township, **Beaver County**.

**65-00125A: ATI Flat Rolled Products Holdings, LLC** (100 River Road, Brackenridge, PA 15014-1537) plan approval extension effective August 4, 2021, with expiration on January 28, 2022, to extend the period for installation and temporary operation of a 25-ton capacity unit electric arc furnace (EAF), one (1) 150,000 ACFM baghouse and one (1) 2,000 gpm cooling tower at their Latrobe Facility located in Derry Township, **Westmoreland County**.

**PA-65-00629B Extension: CBC Latrobe Acquisition, LLC** (100 33rd Street, Latrobe, PA 15650-1474); on August 03, 2021, Plan Approval Extension was issued to CBC for six months to complete the construction of associated back-end packaging equipment for the new can line, including two (2) natural gas-fired heat tunnels each rated at 0.35 MMBtu/hr, five (5) inkjet date coders, five (5) new hot melt systems, three (3) liquid batching tanks, four (4) new raw material storage tanks to the batching area at the Latrobe Brewery in Latrobe Borough, **Westmoreland County**.



**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**05-05005: Bedford Materials Co., Inc.** (7676 Allegheny Road, Manns Choice, PA 15550-8967) on August 4, 2021, for the specialty materials coating facility located in Napier Township, **Bedford County**. The Title V permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**53-00005: Eastern Gas Transmission & Storage, Inc.** (925 White Oakes Boulevard, Bridgeport, WV 26330) on August 4, 2021, was issued a Title V Operating Permit (renewal) for Eastern Gas Transmission & Storage, Inc. Greenlick Transmission Station located in Stewardson Township, **Potter County**. All requirements including applicable Federal and State regulations and appropriate monitoring, recordkeeping, and reporting conditions have been included in the renewed Title V Operating Permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**32-00040: Seward Generating Station** (595 Plant Road, New Florence, PA 15944). On July 29, 2021, the Department issued the renewal Title V Operating Permit of an electric utility steam generating facility located in East Wheatfield Township, **Indiana County**. Permitted air contamination sources at the facility include two circulating fluidized bed (CFB) waste coal-fired boilers, limestone dryers, several diesel engines, space heaters, cooling tower, cold cleaning machines, material handling operations and various fugitive dust sources. In this renewal, major permit changes made are the following: addition of the Cross-State Air Pollution Rule (40 CFR 97 Subparts AAAAA, CCCCC, EEEEE and the newly promulgated GGGGG); addition of Additional Reasonably Available Control Technology (RACT) Requirements for Major Sources of NO<sub>x</sub> and VOC (RACT II, 25 Pa. Code §§ 129.96 to 129.100); addition of contingency measures pursuant to the approved Indiana County SO<sub>2</sub> SIP revision plan; addition of 25 Pa. Code § 123.22 for fuel oil-combusting sources; incorporation of § 60 Subparts Da and OOO, and § 63 Subpart UUUUU, which were previously incorporated by reference only; addition of compliance schedule to amend CEMS certification to include pounds per hour (lb/hr) data for sulfur dioxide (SO<sub>2</sub>) and NO<sub>x</sub>; addition of compliance schedule on use of lower sulfur waste coal as fuel; updated source test submittals; removal of # 2 fuel oil tank as a permitted sources; removal of § 60 Subpart Y, which is determined not applicable to waste coal handling operation; corrected implementation of § 60 Subpart OOO, determined applicable to limestone handling operations but not to limestone dryers; and updated requirements for the space heaters.

**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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**39-00107: Pratt Industries, Inc.** (7533 Industrial Park Way, Macungie, PA 18062) The Department issued, on July 22, 2021, a State-Only Operating Permit for the operation of sources at their facility located in Lower Macungie Township, **Lehigh County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**48-00058: Effort Foundry, Inc.** (P.O. Box 158 Bath, PA 18014). The Department issued, on July 28, 2021, a State-Only Operating Permit for the operation of sources at their facility located in East Allen Township, **Northampton County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**45-00003: Shawnee Power, LLC** (P.O. Box 238, Portland, PA 18351). The Department issued, on July 28, 2021, a State-Only Operating Permit for the operation of sources at their facility located in Middle Smithfield Township, **Monroe County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*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.*

**21-03118: Fogelsanger-Bricker Funeral Home, Inc.** (112 West King Street, P.O. Box 336, Shippensburg, PA 17257-1128) on July 27, 2021, for the human crematory unit at the facility located in Shippensburg Borough, **Cumberland County**. The State-Only Permit was renewed.

**06-05088: New Enterprise Stone & Lime Co., Inc.** (P.O. Box 77, New Enterprise, PA 16664) on August 3, 2021 for the road asphalt manufacturing operation located in Ontelaunee Township, **Berks County**. The State-Only Permit was renewed.

**22-05050: Dauphin Meadows, Inc.** (10376 Bullock Drive, King George, VA 22485-6658) on August 4, 2021, for the Dauphin Meadows Landfill located in Washington Township, **Dauphin County**. The State-Only Permit was renewed.

**36-03165: Berk Tek, LLC** (132 White Oak Road, New Holland, PA 17557-8303) on August 10, 2021 for the electrical cable manufacturing facility located in Earl Township, **Lancaster County**. The State-Only Permit was renewed.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**11-00377: New Enterprise Stone & Lime Company, Inc./Ebensburg Pulverizing Plant** (P.O. Box 77, New Enterprise, PA 16664). On August 6, 2021, the Department issued a Natural Minor Operating Permit renewal for the operation of the facility's air contamination sources consisting of three crushers, three roll mills, three screens, one natural gas-fired rotary dryer, six storage silos, four dust collectors, and various water spray systems. The proposed Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit located at the facility in Cambria Township, **Cambria County**.

**11-00433: GapVax, Inc./Johnstown Plant** (575 Central Ave, Johnstown, PA 15902-2600). On August 10, 2021, the Department issued a Synthetic Minor Operating Permit renewal for the operation of the facility's air contamination sources consisting of five paint booths, paint mixing and spray gun cleaning operations, shot and sand blasting (exhausted indoors), and 23 small combustion units. The proposed Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements for each unit located at the facility in City of Johnstown, **Cambria County**.

**OP-56-00153: UPMC Somerset Hospital** (225 South Center Ave., Somerset, PA 15501). On August 9, 2021, the Department issued a renewal Air Quality Natural Minor State Only Operating Permit (SOOP) to authorize the operation of UPMC Somerset Hospital in Somerset, **Somerset County**.

Equipment at this facility includes two (2) North American Boiler 12.6 MMBtu/hr natural gas-fired boilers with distillate fuel oil backup, a Cleaver Brooks 14.7 MMBtu/hr natural gas-fired boiler with distillate fuel oil backup, two (2) distillate fuel oil-fired emergency generator engines, and a small distillate fuel oil storage tank. The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The final Operating Permit conditions incorporating requirements for applicable emissions limitations, monitoring, work practice standards, reporting, and recordkeeping.

**65-00881: Innovative Carbide, LLC** (11040 Parker Drive, Irwin, PA 15642) on August 5, 2021, a Synthetic Minor State Only Operating Permit (SOOP) renewal to Innovative Carbide, LLC to authorize the continued operation of their Plant located in North Huntingdon Township, **Westmoreland County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**03-00185: Vista Metals Inc. Kittanning Plant** (1024 Easy Smithfield Street, McKeesport, PA 15135). On August 3, 2021 the Department issued a State Only Operating Permit renewal for the carbide metal manufacturing process located in East Franklin Township, **Armstrong County**. The facility custom mixes tungsten carbide with nickel or cobalt powder using a heptane solution. The permitted sources consist of 2 dryers, ball mills, attritors, heptane storage tank, 2 condensers and a dust collector. The facility is limited to 49.9 tpy VOC. The facility is a

natural minor and is subject to State Regulations. The permit includes a compliance schedule to address submittal of a plan approval for an additional dryer, condenser, and 2 additional attritors as well as additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.*

**23-00050: Prospect CCMC Taylor Hospital** (175 Chester Pike, Ridley Park, PA 19078) for change of Responsible Official and Permit Contact because of a change in personnel at the facility. The reporting of change of responsible official is required to maintain compliance with 25 Pa. Code § 121.1. The Administrative Amendment of the State-Only Operating Permit # 23-00050 for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The facility is located in Ridley Park Borough, **Delaware County**.

**09-00013: Wheelabrator Falls, Inc.** (1201 New Ford Mill Road, Morrisville, PA 19067) for change of Responsible Official and Permit Contact due to a change of personnel for the facility located in Falls Township, **Bucks County**. The responsible official meets the requirements of 25 Pa. Code § 121.1. The Administrative Amendment of the Title V Operating Permit # 09-00013 for this facility is issued under the 25 Pa. Code § 127 Subchapter G.

**46-00020: Superior Tube Company, Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on August 6, 2021 for an Administrative Amendment of their Title V Operating Permit, which incorporates terms and conditions from Plan Approval No. 46-0020L for the establishment of a VOC Plantwide Applicability Limitation (PAL), for their facility located in Lower Providence Township, **Montgomery County**. Superior Tube is a major source for Volatile Organic Compound (VOC) and NO<sub>x</sub> emissions. Administrative Amendment of the Title V Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**48-00031: Georgia-Pacific Consumer Operations, LLC** (605 Kuebler Road, Easton, PA 18040) on August 5, 2021, in Forks Township, **Northampton County**, for an amendment to incorporate process modification. The conditions from Plan Approval 48-00031C and 48-00031D were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.



*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**12-00008: Metaldyne Sinter Ridgway, LLC** (1 Airport Road, Emporium, PA 15834) on July 30, 2021, was issued a revised State Only Operating Permit for their facility located in Borough of Emporium, **Cameron County** for the change of ownership of this facility from GKN Sinter Metals to Metaldyne Sinter Ridgway, LLC. All requirements including applicable Federal and State regulations and appropriate monitoring, recordkeeping and reporting conditions have been included in the revised State Only Operating Permit.

## **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*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**Permit No. 56841605 and NPDES Permit No. PA0214761. Croner, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, to revise the permit and related NPDES Permit to reduce permit area from 13.5 acres to 6.4 acres for perpetual water treatment for Goodtown Preparation Plant located in Brothersvalley Township, **Somerset County** affected 7.1 surface acres. No additional discharges. The application was considered administratively complete on April 9, 2019. Application received: February 25, 2019. Permit issued: July 21, 2021.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**Permit No. 17850127. King Coal Sales, Inc.**, P.O. Box 712, Philipsburg, PA 16866. Permit renewal for reclamation only of a bituminous surface and auger mine located in Morris Township, **Clearfield County** affecting 233.0 acres. Receiving stream(s): Alder Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2020. Permit issued: August 5, 2021.

**Permit No. 17080118 and NPDES PA0257028. Waroquier Coal Company**, P.O. Box 128, Clearfield, PA 16830. Permit renewal for reclamation only of a bituminous surface coal mine located in Lawrence Township,

**Clearfield County** affecting 53.0 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 1, 2021. Permit issued: August 5, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 54763207R7. Gilberton Coal Company**, 10 Gilberton Road, Gilberton, PA 17934, renewal of an existing anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation in Mahanoy Township, **Schuylkill County** affecting 25.9 acres. Receiving stream: North Mahanoy Creek. Application received: September 29, 2020. Renewal issued: August 3, 2021.

**Permit No. PAM115011R. Gilberton Coal Company**, 10 Gilberton Road, Gilberton, PA 17934, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54763207 in Mahanoy Township, **Schuylkill County**, receiving stream: North Mahanoy Creek. Application received: September 29, 2020. Renewal issued: August 3, 2021.

**Permit No. 54900103R6. EOJ, Inc.**, 2401 Summer Valley Road, New Ringgold, PA 17960, renewal of an existing anthracite surface mine operation in East Norwegian Township and Palo Alto Borough, **Schuylkill County** affecting 200.1 acres. Receiving stream: Upper Schuylkill River. Application received: April 1, 2021. Renewal issued: August 3, 2021.

**Permit No. PAM111032R2. EOJ, Inc.**, 2401 Summer Valley Road, New Ringgold, PA 17960, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54900103 in East Norwegian Township and Palo Alto Borough, **Schuylkill County**, receiving stream: Upper Schuylkill River. Application received: April 1, 2021. Renewal issued: August 3, 2021.

### *Noncoal Permits Issued*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 37212801. S & S Processing, Inc.**, P.O. Box 373, West Pittsburgh, PA 16160, Commencement, operation, and restoration of a small industrial minerals surface mine in Mahoning Township, **Lawrence County**, affecting 5.0 acres. Receiving stream(s): Mahoning River. Application received: May 3, 2021. Permit Issued: August 4, 2021.

**PAM621004. S & S Processing, Inc.**, P.O. Box 373, West Pittsburgh, PA 16160, Coverage under General NPDES Permit for stormwater discharges (BMP GP-104) associated with mining activities on **Surface Mining Permit No. 37212801** in Mahoning Township, **Lawrence County**, affecting 5.0 acres. Receiving stream(s): Mahoning River. Application received: May 3, 2021. Permit Issued: August 4, 2021.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**PAM212006-GP104. Chad E. Cross**, 19316 Route 6, Mansfield, PA 16933. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated

with Mining Activities (BMP GP-104) on **Noncoal Permit No. 59020301** located in Lawrence Township, **Tioga County**. Receiving stream(s): Harts Creek classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 5, 2021. Approval of Coverage: August 6, 2021.

**PAM212007-GP104. Chad E. Cross**, 19316 Route 6, Mansfield, PA 16933. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 59120301** located in Sullivan Township, **Tioga County**. Receiving stream(s): Unnamed Tributary to Corey Creek, which is in the Tioga River watershed, classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 5, 2021. Approval of Coverage: August 6, 2021.

**PAM217019-GP104. Jesse Gerould**, 1829 Gee Road, Gillett, PA 16925. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08082801** located in Ridgebury Township, **Bradford County**. Receiving stream(s): Bentley Creek classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 5, 2021. Approval of Coverage: August 6, 2021.

**PAM217010-GP104. Austin Excavating & Paving, Inc.**, 121 Talmadge Hill West, Waverly, NY 14892. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08160301** located in Athens Township, **Bradford County**. Receiving stream(s): Susquehanna River classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 5, 2021. Approval of Coverage: August 6, 2021.

**PAM219010-GP104. Burtville Enterprises, LLC**, 2093 Bells Run Road, Shinglehouse, PA 16748. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 4976SM2** located in Middlebury Township, **Tioga County**. Receiving stream(s): Unnamed Tributary to Crooked Creek classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 5, 2021. Approval of Coverage: August 6, 2021.

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).*

**Permit No. 65110401 and NPDES Permit No. PA0252077. Ligonier Stone & Lime Company, Inc.**, 117 Marcia Street, Latrobe, PA 15650-4300. Renewal application for a non-started status three year renewal to an existing non-coal surface mine, located in Derry Township, **Westmoreland County**, affecting 101.4 acres. Receiving streams: Stony Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 19, 2021. Renewal permit issued: August 6, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 7775SM5C4 and NPDES Permit No. PA0594954. Lehigh Cement Co., LLC**, 7660 Imperial Way, Allentown, PA 18195, renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Oley Township, **Berks County**. Receiving stream: unnamed tributary to Limekiln Creek. Application received: May 1, 2020. Renewal issued: August 3, 2021.

**Permit No. 58202507. Dawson Baker**, 26907 SR 92, Susquehanna, PA 18847, commencement, operation and restoration of a GP105 quarry operation in Harmony Township, **Susquehanna County** affecting 10.0 acres. Receiving streams: unnamed tributary to Starrucca Creek and Canawacta Creek to Susquehanna River. Application received: November 12, 2020. Permit issued: August 3, 2021.

**Permit No. PAM120019. Dawson Baker**, 26907 SR 92, Susquehanna, PA 18847, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on GP105 No. 58202507 in Harmony Township, **Susquehanna County**. Receiving streams: unnamed tributary to Starrucca Creek and Canawacta Creek to Susquehanna River. Application received: November 12, 2020. Permit issued: August 3, 2021.

**Permit No. 58202506. Doolittle Stone, LLC**, 290 Elk Manor Estates, Union Dale, PA 18470, commencement, operation and restoration of a GP105 quarry operation in Liberty Township, **Susquehanna County** affecting 10.0 acres. Receiving stream: unnamed tributary to Dubois Creek. Application received: August 11, 2020. Permit issued: August 3, 2021.

**Permit No. PAM120015. Doolittle Stone, LLC**, 290 Elk Manor Estates, Union Dale, PA 18470, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on GP105 No. 58202506 in Liberty Township, **Susquehanna County**. Receiving stream: unnamed tributary to Dubois Creek. Application received: August 11, 2020. Permit issued: August 3, 2021.

**Permit No. 58202508. Gary Morrison**, 478 Mountain View Estates, Meshoppen, PA 18801, commencement, operation and restoration of a GP105 quarry operation in Jessup Township, **Susquehanna County** affecting 8.8 acres. Receiving stream: unnamed tributary to Wyalusing Creek. Application received: December 9, 2020. Permit issued: August 3, 2021.

**Permit No. PAM120021. Gary Morrison**, 478 Mountain View Estates, Meshoppen, PA 18801, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on GP105 No. 58202508 in Jessup Township, **Susquehanna County**. Receiving stream: unnamed tributary to Wyalusing Creek. Application received: December 9, 2020. Permit issued: August 3, 2021.

**Permit No. PAM120012. Meshoppen Stone, Inc.**, P.O. Box 127, Meshoppen, PA 18630, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58202801 in Liberty and Silver Lake Townships, **Susquehanna County**. Receiving stream: Little Rhiney Creek. Application received: July 6, 2020. Permit issued: August 5, 2021.



**Permit No. PAM120020. MSD Bedrock, LLC**, 2759 Woodland Road, Hellertown, PA 18055, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58200802 in Harmony Township, **Susquehanna County**, receiving stream: unnamed tributary to Starrucca Creek. Application received: November 12, 2020. Permit issued: August 6, 2021.

**Permit No. PAM120018. Bakers Quarry**, 18712 Dimock to Nicholson Road, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66200801 in Nicholson Township, **Wyoming County**, receiving stream: Field Brook/Tunkhannock Creek Watershed. Application received: November 20, 2020. Permit issued: August 6, 2021.

**Permit No. 4873SM8C5 and NPDES Permit No. PA0594644. Kinsley Construction, Inc.**, P.O. Box 2886, York, PA 17405, renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in West Manchester Township, **York County**. Receiving stream: unnamed tributary to Codorus Creek. Application received: February 10, 2021. Renewal issued: August 6, 2021.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 06214106. Valley Rock Solutions, LLC**, P.O. Box 246, Macungie, PA 18062, construction blasting for Pathfinder II subdivision in Exeter Township, **Berks County** with an expiration date of December 29, 2021. Permit issued: August 3, 2021.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay

Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

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

**E4802221-001. Borough of Tatamy**, 423 Broad Street, P.O. Box 218, Tatamy, PA 18085-0181. Tatamy Borough, **Northampton County**, Army Corps of Engineers, Philadelphia District.

To construct a 10 by 400-foot gravel walking trail, a 27 by 24-foot gravel floor pavilion, and benches/picnic tables on their property at the Roderick A. Werkheiser Park. The proposed work is within the FEMA regulated floodway of Bushkill Creek (HQ-CWF, MF). In addition to constructing the trail and pavilion, two temporary stages areas are planned. The project is located in Tatamy Borough, Northampton County. Quadrangle Latitude: 40° 44' 36"; Longitude: -75° 15' 01".

*Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E0603220-029. Borough of Topton**, 205 South Callowhill Street, Topton, PA 19562, Topton Borough, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove existing structures and to install three bridges crossing Toad Creek (HQ-CWF) consisting of two (8 feet x 35 feet) and one (8 feet x 50 feet). The project proposes 38 linear feet of permanent impacts to stream channel and 0.01 acre of palustrine emergent, exceptional value wetland impacts. The project is located in Topton Borough, Berks County (40.5007 -75.7029). Permit issued August 9, 2021.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E4104221-004. Loysock Creek Pipeline Replacement Project**, Heim Hill Road, Montoursville, PA 17754, Fairfield and Loysock Township, **Lycoming County**,

ACOE Baltimore if in Susquehanna Basin District (Montoursville North, PA Quadrangle 41.281°N; Longitude: 76.916°W).

To demo, construct and maintain, existing 24-inch-diameter Leidy A and Leidy B natural gas pipelines. The purpose of the project is to rebury these two existing natural gas pipelines to increase depth of cover and to install grade control structures in the stream channel. Depth of cover has been lost due to erosive forces of Loyalsock Creek and its side channel such that portions of pipelines have become exposed within the stream. An existing J-hook boulder structure located in the main channel will be removed because it currently presents an obstacle to boaters. The project is located in Loyalsock Creek (latitude 41° 16' 50" N, longitude 76° 54' 56" W) and its side channel (latitude 41° 16' 50" N, longitude 76° 55' 4" W) in Fairfield and Loyalsock Townships, Lycoming County, Pennsylvania.

Total temporary impacts in the Watercourse is 26.58 acres and 17.46 acres in the Floodway. Permanent impact in the Watercourse is 1,064 sq. ft. and 2,210 sq. ft of impact in the Floodway. Loyalsock Creek is a Exceptional Value Fishery.

This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E4104221-009. Fishlips, LLC**, 1500 Sycamore Road, Montoursville, PA 17754. Warehouse facility in Clinton Township, **Lycoming County**, ACOE Baltimore District (Muncy, PA Quadrangle 41.178841 -76.857443).

The applicant proposes to renovate and maintain a warehouse facility located at 776 Saegers Station Road. Building renovation and addition, including parking, utilities, and appurtenances will permanently impact 0.40 acre of wetlands. Mitigation is proposed in the form of contribution to the Pennsylvania Wetland Replacement Fund.

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E0306121-001, PADOT, Engineering District 10-0**, 2550 Oakland Ave., Indiana, PA 15701. SR 0028 Section 166 Poverty Hill Bridge Replacement, in Rayburn Township, **Armstrong County**, ACOE Pittsburgh District (Mosgrove, PA Quadrangle N: 40°, 49', 24.43"; W: 79°, 29', 7.21").

Abandon and backfill the existing concrete slab structure and to construct and maintain a 112-ft long concrete box culvert stream enclosure with a 16-ft wide by 7.5-ft high waterway opening in UNT Cowanshannock Creek and impacting 0.048 acre of wetland along SR 0028, Section 166, Segment 0290, Offset 0052 (Mosgrove, PA Quadrangle N: 40°, 49', 24.43"; W: 79°, 29', 7.21") in Rayburn Township, Armstrong County. The structure will be constructed to better align with stream flow, resulting in the loss of 277 linear feet of stream channel and the construction of 287 linear feet of new stream channel along UNT Cowanshannock Creek. An additional 100 linear feet of UNT Cowanshannock Creek will be temporarily impacted during construction.

**E4206220-029, Matthew Foster**, 651 West Branch Road, Smethport, PA 16749. Foster Bridge, in Norwich Township, **McKean County**, ACOE Pittsburgh District (Crosby, PA Quadrangle N: 41°, 40', 15.93"; W: -78°, 24', 36.16").

Construct, operate, and maintain a private bridge crossing of West Branch Potato Creek (HQ-CWF) consist-

ing of a decommissioned/modified flatbed trailer deck resting on concrete block abutments measuring approximately 15 feet wide providing a span of 40 feet and an underclearance of about 6 feet approximately 4500 feet west of the West Branch Road and West Valley Road intersection (Crosby, PA Quadrangle N: 41°, 40', 15.93"; W: -78°, 24', 36.16") in Norwich Township, McKean County.

**E2706221-001, Pennsylvania Department of Conservation and Natural Resources**, 400 Market Street, Harrisburg, PA 17105. Cook Forest State Park Rehabilitation, in Barnett Township, **Forest County**, ACOE Pittsburgh District (Cooksburg, PA Quadrangle N: 41°, 19', 57"; W: -79°, 12', 28").

To demolish an existing office building and construct and maintain a new 4-stall public restroom building with additional parking facilities with ancillary utility and stormwater management work, disturbing approximately 2 acres of Cook Forest State Park within the 100-year flood plain along Tom's Run (Cooksburg, PA Quadrangle N: 41°, 19', 57"; W: -79°, 12', 28") in Barnett Township, Forest County.

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.*

**E0283220-039. Pennsylvania Turnpike Commission**, 700 S. Eisenhower Blvd, Middletown, PA 17057, City of Duquesne and West Mifflin Borough, **Allegheny County**, U.S. Army Corps of Engineers, Pittsburgh District.

Construct and maintain the following water obstructions and encroachments associated with the Mon/Fayette Expressway PA Rt 51 to I-376, Section 53C3:

1. Relocate a tributary to Thompson Run (WWF) with work consisting of abandonment/removal of approximately 716 linear feet of an existing stream enclosure and filling approximately 410 linear feet of open channel; and the construction and maintenance of approximately 1,042 linear feet of stream enclosure consisting of 24-inch and 42-inch RCP, concrete endwall, and riprap apron (Latitude: 40.3770973°, Longitude: -79.8567852°).

2. Remove the existing bridge and to construct and maintain an approximately 94-foot wide, 4-span curved welded steel plate girder bridge on conventional abutments and piers across Thompson Run (WWF) and an adjacent railyard, having a combined span of approximately 674 feet and an underclearance of approximately 37 feet (Latitude: 40.3778256°, Longitude: -79.8517948°).

3. Modify and maintain an existing stormwater outfall channel in the floodway of a tributary to Thompson Run with work consisting of rock-lining the channel (Latitude: 40.3797493°, Longitude: -79.8509678°).

4. Construct and maintain two 18-inch diameter stormwater outfalls with riprap aprons in the floodway of Thompson Run (Latitude: 40.3778256°, Longitude: -79.8517948°).

The proposed project includes a total of 1,221 linear feet of permanent impacts and 283 linear feet of temporary impacts to streams; 1.01 acres of permanent impacts and 0.91 acre of temporary impacts to floodways; and no impacts to wetlands. The permittee shall provide for stream mitigation by purchasing 410 credits from the Laurel Hill Mitigation Bank.

The project is located along Duquesne Boulevard (SR 0837) approximately 2.4 miles Southeast of the SR 0837/

Rankin Bridge intersection. The project begins near the intersection of SR 0837 and Oakmont Avenue and continues until the intersection of SR 0837 and Spring Avenue (Braddock, PA Quadrangle Latitude: 40.379000°; Longitude: -79.853389°) in the City of Duquesne, Allegheny County.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.*

ESCGP-3 # ESG076521003-00  
Applicant Name Hyperion Midstream, LLC  
Contact Person Brian Dillemath  
Address 501 Technology Drive  
City, State, Zip Canonsburg, PA 15317  
County Westmoreland  
Township(s) Murraysville Borough & Washington Twp  
Receiving Stream(s) and Classification(s) Tributary 37434 to Steels Run (HQ-CWF), Tributary 42985 of Thorn Run (HQ-CWF), Tributary 42980 of Thorn Run (HQ-CWF), Tributary 37430 to Steels Run (HQ-CWF), Tributary 37429 to Steels Run (HQ-CWF);  
Secondary Receiving Waters-Steels Run (HQ-CWF), Thorn Run (HQ-CWF)

ESCGP-3 # ESG073021002-00  
Applicant Name EQT Prod, Co  
Contact Person Todd Klaner  
Address 400 Woodcliff Dr  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Wayne  
Receiving Stream(s) and Classification(s) UNT to Hoovers Run (WWF), UNT to Tustin Run (WWF); Hoovers Run (WWF), Tustin Run (WWF)

ESCGP-3 # ESG076521001-00  
Applicant Name Hyperion Midstream, LLC  
Contact Person Brian Dillemath  
Address 501 Technology Drive  
City, State, Zip Canonsburg, PA 15317  
County Westmoreland  
Township(s) Penn Twp  
Receiving Stream(s) and Classification(s) UNT 1 to Tributary 37295 to Bushy Run (TSF), Tributary 37300 (TSF);  
Bushy Run (TSF)

*Southwest Region: Dana Drake, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-4000.*

ESCGP-2 # ESG0007170003  
Applicant Name Shell Pipeline Company, LP  
Contact Person Alan Hunsberger  
Address 150 North Dairy Ashford  
City, State, Zip Houston, TX 77079  
County Washington  
Township(s) Robinson Township  
Receiving Stream(s) and Classification(s) UNT to Robinson Run (WWF; WT)

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

ESCGP-3 # ESG080321003-00/Sunnyside Well Pad  
Applicant Name Snyder Bros, Inc.  
Contact Person David Snyder  
Address P.O. Box 1022/One Glade Park East  
City, State, Zip Kittanning, PA 16201  
County Armstrong  
Township(s) Kittanning and Valley  
Receiving Stream(s) and Classification(s) UNT # 2 to Mill Run WWF Trib 46980 to Mill Run WWF UNT # 1 to Mill Run WWF

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG295821011-00  
Applicant Name BKV Operating, LLC  
Contact Person Heather Moyer  
Address 5385 State Route 6  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Middletown  
Receiving Stream(s) and Classification(s) UNT to Summers Creek (#52179) (CWF-MF)  
Secondary: Summers Creek (CWF-MF)

ESCGP-3 # ESG296621003-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Wyoming  
Township(s) Braintrim  
Receiving Stream(s) and Classification(s) UNT Susquehanna River (CWF-MF), UNT Black Walnut Creek (CWF-MF)  
Secondary: Susquehanna River (CWF-MF), Black Walnut Creek (CWF-MF)

ESCGP-3 # ESG290821031-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Bradford  
Township(s) Franklin  
Receiving Stream(s) and Classification(s) Sugar-Towanda Creeks (CWF)  
Secondary: Susquehanna River (WWF)



**STORAGE TANKS  
SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
21-35-009	Canpack US, LLC 108 Plaza Drive Blandon, PA 19510 Attn: Kevin Manmiller	Lackawanna	Olyphant Borough	10 ASTs storing hazardous substances and petroleum products	91,225 gallons total

**CORRECTIVE ACTION UNDER  
ACT 32, 1989**

**PREAMBLE 2**

The Following Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Kingston DPW Building**, Storage Tank ID # 40-50330, 455 Church Street, Kingston, PA 18704, Kingston Borough, **Luzerne County**. Borton Lawson, 613 Baltimore Drive, Suite 300, Wilkes-Barre, PA 18701, on behalf of Kingston Borough, 500 Wyoming Avenue, Kingston, PA

18704, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet site-specific standards.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Gettysburg Liberty**, Storage Tank Facility ID # 01-06949, 243 Steinwehr Avenue, Gettysburg, PA 17325-2815, Gettysburg Borough, **Adams County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of KZ Station Corporation, 14708 Albert Staub Court, Thurmont, MD 21788, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide health and site-specific standards.

**SPECIAL NOTICES**

**WATER PROGRAMS**

**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).

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

**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.**



*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**PUBLIC NOTICE OF FINAL STATE WATER QUALITY CERTIFICATION FOR FERC REGULATED PIPELINE PROJECT**

**State Water Quality Certification Issued by the Commonwealth of Pennsylvania, Department of Environmental Protection Pursuant to Section 401 of the Clean Water Act for the Perulack Compressor Units Replacement Project**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.*

**WQ3483220-001, Texas Eastern Transmission, LP**, 890 Winter Street, Suite 320, Waltham, MA 02451. Perulack Compressor Units Replacement Project (Project), in Lack Township, **Juniata County**, U.S. Army Corps of Engineers, Baltimore District. The proposed project is located at Perulack Compressor Station situated off Pumping Station Road (Latitude: 40.35583°; Longitude: -77.65389°).

On January 15, 2021, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP21-31-000). The FERC Environmental Assessment for the Project, which was issued on June 4, 2021, may be viewed on FERC's web site at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP21-31-000).

On November 16, 2020, applicant requested a state water quality certification (SWQC) from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Clean Water Act.

The Project, as proposed, includes replacement of four existing compressor units and related facilities with two new gas turbine units and associated facilities to comply with future air emission reduction requirements. The Project also includes the construction of a new compressor building to house the two new compressor units. The existing compressor units are in two separate compressor buildings, one of which will be removed from service but remain in place and the other will be removed. Additional facilities to be updated or installed include a generator building, an electrical control building with battery extension, a service entrance building, and an auxiliary building, as well as the installation of four filter separators. In addition, the project will result in the installation of a new, lined stormwater retention basin. The Project, as proposed, will require approximately 30.39 acres of earth disturbance and impacts to 1.48 acres of floodway.

PADEP published notice of its proposed SWQC in the *Pennsylvania Bulletin* on February 13, 2021 (51 Pa.B. 788). PADEP has received no comments.

PADEP certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. 1311—1313, 1316 and 1317). The PADEP further certifies that the construction, operation and maintenance of the Project complies

with Pennsylvania water quality standards and that the construction, operation and maintenance of the Project will maintain and protect applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. *Discharge of Hydrostatic Test Water*—Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance), and all other applicable regulations.

2. *Erosion and Sediment Control and Stormwater Management*—All projects proposing earth disturbance must implement best management practices (BMPs) to protect and maintain water quality pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and Storm Water Management Act (32 P.S. §§ 680.1—680.17), 25 Pa. Code Chapter 102 (relating to erosion and sediment control) and all other applicable regulations. Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project as provided in 25 Pa. Code § 102.5.

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601), 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), 25 Pa. Code Chapter 106 (relating to floodplain management) and all other applicable regulations.

4. *Other Water Quality Requirements*—Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.

5. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that water quality in the receiving waters associated with the Project is not adversely impacted by any operational and construction process that may be employed by applicant.

6. *Operation*—At all times, applicant shall properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) installed to achieve compliance with the terms and conditions of this SWQC and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures and the operation of backup or auxiliary facilities or similar systems installed by applicant.

7. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP or the delegated County Conservation District to determine compliance with this SWQC, including all permits, authorizations or approvals issued to ensure the project shall maintain and protect state water quality standards as required by this SWQC. Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

8. *Transfer of Projects*—If applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate PADEP Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to PADEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

9. *Correspondence*—All correspondence with and submittals to PADEP concerning this SWQC shall be addressed to the Department of Environmental Protection, Regional Permit Coordination Office, Domenic Rocco, PE, Director, 400 Market Street, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

10. *Reservation of Rights*—PADEP may modify, suspend or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that applicant has not complied with the terms and conditions of this SWQC. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws*—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve applicant from any responsibilities, liabilities or penalties established pursuant to any applicable law or regulation.

12. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of the SWQC shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal

beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.*

**WL3483220-001. Texas Eastern Transmission, LP**, 890 Winter Street, Suite 320, Waltham, MA 02451. Perulack Compressor Units Replacement Project (Project), in Lack Township, **Juniata County**, U.S. Army Corps of Engineers, Baltimore District. The proposed project is located at Perulack Compressor Station situated off Pumping Station Road (Latitude: 40.35583°; Longitude: -77.65389°) with the construction yard located off State Route 75 (Latitude: 40.33633°; Longitude: -77.6488°).

To construct within and permanently impact 0.01 acre of the floodway of a unnamed tributary (UNT) to Lick Creek (CWF, MF) and temporarily impact 1.47 acres of floodway of the UNT to Lick Creek (CWF, MF) and UNT to Tuscarora Creek (CWF, MF). The requirement for a permit is waived for the proposed activity in accordance with Section 7(a) of the Dam Safety and Encroachments Act, 32 P.S. § 693.7(a) and the provisions of 25 Pa. Code § 105.12(a)(2) of Chapter 105 Rules and Regulations, Dam Safety and Waterway Management, as amended on February 16, 2013.

**EROSION AND SEDIMENT CONTROL**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.*

**ESG833420001-00**. The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

The Perulack Compressor Station Replacement Project, as proposed, includes replacement of four existing compressor units and related facilities with two new gas turbine units and associated facilities to comply with future air emission reduction requirements. The Project also includes the construction of a new compressor building to house the two new compressor units. The existing compressor units are in two separate compressor buildings, one of which will be removed from service but remain in place and the other will be removed. Additional facilities to be updated or installed include a generator building, an electrical control building with battery extension, a service entrance building, and an auxiliary building, as well as the installation of four filter separators. In addition, the project will result in the installation of a new, lined stormwater retention basin. The Project is located in Lack Township, Juniata County and will require approximately 30.39 acres of earth disturbance.

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG833420001-00	Texas Eastern Transmission, LP 890 Winter Street Suite 320 Waltham, MA 02451	Juniata	Regional Permit Coordination Office

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

[Pa.B. Doc. No. 21-1317. Filed for public inspection August 20, 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 each document.

#### *Draft TGD: Substantive Revision*

**DEP ID:** 563-2112-656. **Title:** Liners and Caps for Coal Refuse Disposal Areas. **Description:** This guidance explains the procedures that the Department will use in approving liners and caps for facility designs and the criteria for as-built certifications for coal refuse disposal areas. The previous version did not contain specification for caps as barrier layers. This revision also removes reference to liners for water impoundments and stockpiles, updates standards and testing methods for liners and includes a section on preventing contact of the refuse with precipitation during temporary cessation.

**Written Comments:** Interested persons may submit written comments on this draft TGD through Monday, September 20, 2021. Comments, including comments submitted by e-mail must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool for policies at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

**Contact:** Questions regarding this TGD can be directed to Sharon Hill at [shill@pa.gov](mailto:shill@pa.gov) or (717) 787-6842.

**Effective Date:** Upon publication of notice as final in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1318. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 02(0835)102.1, Abandoned Mine Reclamation Project, Eastmont Swim Club, Wilkins Township, Allegheny County.** The principal items of work and approximate quantities include: mobilization and demobilization, 1 lump sum; preparation and implementation of the erosion and sediment pollution control plan, 1 lump sum; trench excavation, 400 cubic yards; subsurface drain—8" nominal diameter PVC SDR-35 pipe, 450 linear feet; subsurface drain—AASHTO No. 1 coarse aggregate, 400 cubic yards; segmented retaining wall with geogrid reinforcement, 400 square feet; and patio replacement, 20 square yards.

This bid issues on August 13, 2021, and bids will be opened on September 9, 2021, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid. This is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1319. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 16(3571)101.1, Abandoned Mine Reclamation Project, Arthurs Southeast, Paint Township, Clarion**



**County.** The principal items of work and approximate quantities include: clearing and grubbing, 1 lump sum; grading, 50,300 cubic yards; seeding, 7.7 acres; and tree planting, 1,480 trees.

This bid issues on August 13, 2021, and bids will be opened on September 9, 2021, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid. This is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1320. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Climate Change Advisory Committee August Meeting

The Climate Change Advisory Committee (Committee) meeting scheduled for Tuesday, August 24, 2021, will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting will begin at 9 a.m. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Lindsay Byron at [lbyron@pa.gov](mailto:lbyron@pa.gov) or (717) 772-8951.

Information on how to join the 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 "Climate Change," then "Climate Change Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 24, 2021, meeting can be directed to Lindsay Byron at [lbyron@pa.gov](mailto:lbyron@pa.gov) or (717) 772-8951.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Lindsay Byron at (717) 772-8951 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1321. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Small Business Compliance Advisory Committee Meeting Cancellation

The August 25, 2021, Small Business Compliance Advisory Committee (Committee) meeting is cancelled. The next Committee meeting is scheduled for Wednesday, October 27, 2021, and will begin at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Lucas Hershey at [luchersh@pa.gov](mailto:luchersh@pa.gov) or (717) 787-7019.

Information on how to join the 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," then "Small Business Compliance Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 27, 2021, meeting can be directed to Lucas Hershey at [luchersh@pa.gov](mailto:luchersh@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 Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1322. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Research Advisory Committee Virtual Public Meeting

The Department of Health's Health Research Advisory Committee (Committee), established by section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a virtual public meeting on Monday, August 23, 2021, from 10 a.m. to 11:30 a.m. The virtual public meeting will be held by means of Microsoft Teams at (267) 332-8737 with Conference ID: 545 844 262#.

The purpose of the meeting is to review the work of the Committee and to plan for future health research priorities.

For additional information or persons with disabilities who wish to attend the virtual public meeting and require an auxiliary aid, service or other accommodation, contact Penny E. Harris, MEd, CAC, LPC, Director, Health Research Office, or Pamela Brown, Management Technician, Health Research Office, [ra-healthresearch@pa.gov](mailto:ra-healthresearch@pa.gov). For speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).



Check the Department of Health, Health Research Office CURE Health Research Advisory Committee web site at <https://www.health.pa.gov/topics/Research/CURE/Pages/Committee.aspx> for any changes to this virtual public meeting.

This virtual public meeting is subject to cancellation without notice.

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1323. Filed for public inspection August 20, 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(d) and (e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Penn Highlands Jefferson Manor  
417 Route 28  
Brookville, PA 15825  
FAC ID # 100802

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](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 the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1324. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Availability of Amendment to the Office of Long-Term Living's Home and Community-Based Community HealthChoices Waiver

The Department of Human Services (Department) is making available for public review and comment the Office of Long-Term Living's proposed amendment to the

Community HealthChoices (CHC) waiver. The proposed amendment will be effective January 1, 2022.

#### *Background*

Whenever substantive changes are made to an approved waiver, the Department must submit an amendment to the Centers for Medicare & Medicaid Services for approval. The Department proposes to amend the CHC waiver effective January 1, 2022, by revising service definitions, service limitations and/or provider qualifications for the following CHC waiver services:

- Adult Daily Living.
- Participant-Directed Community Supports.
- Personal Assistance Services.
- Personal Emergency Response System (PERS).
- Specialized Medical Equipment and Supplies.
- Vehicle Modifications.

The Department also proposes to transition oversight of Financial Management Services to an administrative function of the CHC managed care organizations and revise waiver performance measures.

The proposed CHC waiver amendment and a summary of all revisions are available for review at <https://www.dhs.pa.gov/contact/DHS-Offices/Pages/OLTL-Waiver-Amendments-and-Renewals.aspx> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 857-3280.

#### *Fiscal Impact*

There is no fiscal impact associated with this notice.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed waiver amendment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: CHC 2022 Waiver Amendment, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments may also be submitted to the Department at [RA-waiverstandard@pa.gov](mailto:RA-waiverstandard@pa.gov). Use "CHC 2022 Waiver Amendment" as the subject line. Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed waiver amendment.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service by dialing 711 or by using one of the toll-free numbers: (800) 654-5984 (TDD users); (800) 654-5988 (voice users); (844) 308-9292 (Speech-to-Speech); or (844) 308-9291 (Spanish).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1457. No fiscal impact; (8) recommendations adoption.

[Pa.B. Doc. No. 21-1325. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Availability of the Temporary Assistance for Needy Families State Plan

The Department of Human Services (Department) is making available for comment an updated Temporary

Assistance for Needy Families (TANF) State Plan. The State Plan was developed in accordance with the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (act) (Pub.L. No. 104-193). The act provides each state with a TANF Block Grant and the opportunity, with broad Federal guidelines, to design and operate its own programs. The original State Plan was published at 27 Pa.B. 342 (January 18, 1997). Updated Plans were published at 29 Pa.B. 5658 (October 30, 1999) and 32 Pa.B. 6401 (December 28, 2002). The availability of the 2005, 2008, 2011, 2014 and 2018 TANF State Plans were published at 35 Pa.B. 6289 (November 12, 2005), 38 Pa.B. 6342 (November 15, 2008), 41 Pa.B. 5825 (October 29, 2011), 44 Pa.B. 5545 (August 16, 2014) and 48 Pa.B. 5656 (September, 8, 2018) respectively. The 2021 State Plan will be submitted to the Department of Health and Human Services in December 2021.

#### *Public Comment*

Future amendments to the State Plan will incorporate suggestions and recommendations received during the comment period. The 45-day comment period begins on the date this notice is published in the *Pennsylvania Bulletin*.

Copies of the State Plan are available for all interested individuals and groups by written request or at the Department's web site [www.pa.gov](http://www.pa.gov). Written requests should be directed to Cathy Buhrig, Attention: TANF State Plan, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17120.

Interested persons are invited to submit written comments regarding this notice to the Department at the Bureau of Policy address previously listed. Comments received within 45 days will be reviewed and considered for any revision of the State Plan.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1456. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 21-1326. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Documents Available—Proposed Nonpublic and County Nursing Facility Per Diem Rates and the Budget Adjustment Factor for State Fiscal Year 2021-2022

This notice announces documents are now available on the Department of Human Services (Department) web site related to proposed annual case-mix per diem rates for State Fiscal Year (FY) 2021-2022 for nonpublic and county nursing facilities, and the Budget Adjustment Factor (BAF) that will be applied to nonpublic and county nursing facilities.

#### *Background*

The Department issued notice at 51 Pa.B. 3558 (June 26, 2021) to announce the proposed annual case-mix per diem payment rates for State FY 2021-2022 for nonpublic and county nursing facilities that participate in the Medical Assistance Program. The proposed annual per diem rates for FY 2021-2022, the July Quarterly BAF that will be applied to nonpublic nursing facility rates and the annual BAF that will be applied to county nursing facilities are now available on the Department's web site at <https://www.dhs.pa.gov/providers/Providers/Pages/Rates-Nursing%20Facilities.aspx> and at local county assistance offices throughout this Commonwealth or by contacting Montrell Fletcher, Department of Human Services, Office of Long-Term Living, (717) 775-8015, RA-PWOLTLNFPUBLICCOM@pa.gov.

Persons with a disability who require an auxiliary aid or service may use the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### *Fiscal Impact*

If the proposed payment rates are adopted as final, there is no fiscal impact for per diem rate payments for nonpublic and county nursing facilities for FY 2021-2022. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in this fiscal year.

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1458. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 21-1327. Filed for public inspection August 20, 2021, 9:00 a.m.]

## DEPARTMENT OF STATE

### Election for the Office of Judge of the Court of Common Pleas of Philadelphia County

On August 4, 2021, the Acting Secretary of the Commonwealth (Acting Secretary) received written notice that Judge Gary S. Glazer has revoked his declaration of candidacy for retention as a judge of the Court of Common Pleas of Philadelphia County. Under the Constitution and laws of the Commonwealth, an election for the judicial office held by Judge Glazer will occur as part of the municipal election to be held November 2, 2021.

In the Municipal Election, the electors of Philadelphia County will now elect ten Judges of the Court of Common Pleas of Philadelphia County. Each elector will be entitled to vote for up to ten candidates, with the ten candidates receiving the largest number of valid votes being elected.

In the Municipal Primary held May 18, 2021, the electors of the Democratic Party nominated eight candidates for the office of Judge of the Court of Common Pleas of Philadelphia County. No Republican candidates appeared on the ballot in the Republican Municipal Primary. Further, as the result of an earlier retention revocation by another Judge of the Court of Common Pleas of Philadelphia County, a ninth vacancy for the Court was previously added to the 2021 Municipal Election ballot, with nominations for that vacancy to occur prior to nomination certificates and nomination papers. See 51 Pa.B. 4034 (July 24, 2021). Now, due to Judge

Glazer's retention revocation, by law, each of the certified Statewide political parties of the Commonwealth—the Democratic Party, the Republican Party, the Libertarian Party and the Green Party—will be permitted to nominate one additional candidate for Court of Common Pleas of Philadelphia County by submitting to the Acting Secretary, no later than September 13, 2021, a nomination certificate in the form prescribed by law and prepared in accordance with the applicable rules of the political party. See 25 P.S. §§ 2938.3, 2953 and 2954. Political bodies will be permitted to nominate a candidate by filing with the Acting Secretary, no later than Septem-

ber 13, 2021, nomination papers prepared and submitted in accordance with the requirements of the Pennsylvania Election Code (25 P.S. §§ 2600—3591).

Additional information is available on the Department of State's publicly accessible web site at [www.dos.pa.gov](http://www.dos.pa.gov).

VERONICA DEGRAFFENREID,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1328. Filed for public inspection August 20, 2021, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions, Amendments and Revisions; October 2021

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on October 25 and 26, 2021, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Beaver	Camp Run	Headwaters to American School Road	Connoquenessing Creek	40.808056 80.201389
Clearfield	Coal Run	Headwaters to UNT to Coal Run (RM 0.69)	Sandy Lick Creek	41.140701 78.683328
Clearfield	UNT to Laborde Branch (RM 7.88)	Headwaters to Mouth	Laborde Branch	41.082172 78.660872
Elk	UNT to Wolf Run (RM 4.71)	Headwaters to Mouth	Wolf Run	41.599210 78.842155
Potter	UNT to Shaytown Branch (RM 2.18)	Headwaters to Mouth	Shaytown Branch	41.905537 78.174131

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Lackawanna	Fall Brook	Headwaters to Fall Brook Reservoir	Headwaters to second SR 106 bridge upstream of Mouth	Lackawanna River	41.568056 75.510556

The Commission also will consider the following amendment to the list:

<i>Current Sectioning Strategy</i>					<i>Proposed Sectioning Strategy</i>				
<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length (Miles)</i>	<i>Mouth Lat/Lon</i>	<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length (Miles)</i>	<i>Mouth Lat/Lon</i>
Clinton	Renz Hollow Run	Headwaters to Mouth (confluence of Merriman Hollow)	1.16	41.447023 77.809651	Clinton	Paddy Run	Headwaters to Mouth (confluence of Merriman Hollow)	11.26	41.329940 77.728537

\* The source of Paddy Run, from the headwaters to the confluence of Merriman Hollow, was incorrectly identified as Renz Hollow Run when Renz Hollow Run was added to the wild trout streams list. Renz Hollow Run is now being identified as Paddy Run. The current listed wild trout limits of Paddy Run will encompass what was formerly named Renz Hollow Run. This change does not result in additions to the wild trout streams list and is only amending a stream name as new information becomes available.

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 21-1329. Filed for public inspection August 20, 2021, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Changes to List of Class A Wild Trout Waters; October 2021

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on October 25 and 26, 2021.



<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey year</i>
Centre	Cold Stream	2	State Game Lands boundary to inflow of Cold Stream Dam	Moshannon Creek	40.909167 78.220833	0.24	59.94	—	1.27	2019
Clinton	Laurelly Fork	1	Headwaters to Mouth	Young Womans Creek	41.393055 77.686111	66.92	—	—	3.27	2020
Clinton	Paddy Run	1	Headwaters to Paddy Run Road Bridge downstream of Austin Hollow Run	West Branch Susquehanna River	41.329940 77.728537	100.06	62.87	—	1.72	2020
Clinton	Paddy Run	2	Paddy Run Road Bridge downstream of Austin Hollow Run to Hensel Fork	West Branch Susquehanna River	41.329940 77.728537	5.72	80.24	—	2.15	2020
Clinton	Paddy Run	3	Hensel Fork to Mouth	West Branch Susquehanna River	41.329940 77.728537	17.63	55.47	—	7.39	2020
Clinton	Shintown Run	1	Headwaters to Mouth	West Branch Susquehanna River	41.305833 77.800833	46.11	—	—	6.50	2020
Potter	Baker Creek	1	Headwaters to Mouth	Allegheny River	41.810001 78.001114	12.84	123.43	—	4.93	2020
Potter	Middle Branch Genesee River	2	T-450 bridge near Gold to Mouth	Genesee River	41.976111 77.856940	—	64.54	—	5.71	2019
Potter	West Branch Genesee River	3	Rose Lake Run to Mouth	Genesee River	41.992222 77.869167	3.50	97.76	—	4.90	2019

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 21-1330. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
6-347	State Board of Education Academic Standards and Assessment 51 Pa.B. 3103 (June 5, 2021)	7/6/21	8/5/21
16A-6015	State Board of Vehicle Manufacturers, Dealers and Salespersons Fee Increase 51 Pa.B. 3230 (June 12, 2021)	7/12/21	8/11/21

#### State Board of Education Regulation # 6-347 (IRRC # 3303)

#### Academic Standards and Assessment

August 5, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the June 5, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the State Board of Education (Board) to respond to all comments received from us or any other source.

#### 1. RRA Section 2—Reaching of consensus.

The Board proposes to amend Chapter 4 (relating to academic standards and assessment) in order to update the Science, Environment, Ecology, Technology and Engineering academic standards, along with related and technical amendments. We acknowledge the effort of the Board in developing these new standards, including stakeholder engagement sessions, surveys, and work by Steering and Content Committees.

A significant number of comments have been received on this regulation from legislators, the Department of Conservation and Natural Resources, the Conservation and Natural Resources Advisory Council, members of the Steering and Content Committees, a wide range of educators, county conservation districts, environmental organizations, professional associations and the public. Their comments raise numerous concerns regarding the academic standards, many focusing on the omission of Environment, Ecology and Agriculture, and calling for additional standards to strengthen science instruction.

Legislators urge the Board to provide members of the Steering and Content Committees with additional time to continue their efforts. Members of the Steering and Content Committees comment that they are unclear as to the extent to which research on disciplinary learning was considered, and state that the academic standards were written by a small group outside of scheduled meetings. Further, agriculture science teachers advocate for continued conversations with educators and context experts.

In light of these comments, we draw attention to a key component of the regulatory review process as stated in Section 2(a) of the RRA: “To the greatest extent possible, this act is intended to encourage the resolution of objections to a regulation and the reaching of a consensus among the commission, the standing committees, interested parties and the agency.” 71 P.S. § 745.2(a).

We urge the Board to actively seek input from all interested parties, including legislators and educators, as it develops the final-form regulation. Should the Board determine that revisions to the academic standards are necessary, we suggest the Board consider publishing an Advance Notice of Final Rulemaking to provide an opportunity for the regulated community and the public to evaluate the academic standards prior to submission of the final-form regulation.

#### 2. Section 4.12. Academic standards.—Reasonableness.

Under subsection (i), the Board will review academic standards and assessments to determine if they are appropriate, clear, specific and challenging no sooner than every five years and no later than every 10 years. The Board explains in the Preamble that the current provision requiring a three-year review may not provide school

entities with enough time to implement and evaluate updated academic standards before beginning the review process for a subsequent set of standards. A commentator supports a five-year review and expresses concern with a 10-year review, noting that “[s]cience and technology progress so rapidly that many topics are outdated by the time they reach the K—12 curriculum.” We ask the Board to explain why it believes a 10-year review period is appropriate and reasonable.

**3. Section 4.24. High school graduation requirements.—Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Clarity and lack of ambiguity.**

Subsection (b) sets forth high school requirements through the 2015-2016 school year and subsection (c) sets forth high school graduation requirements that will begin in the 2022-2023 school year. We have two concerns with the implementation of this section.

First, graduation requirements for the 2016-2017 through the 2021-2022 school years are not stated in this section. For purposes of the regulatory record, the Board should clarify this section to include the high school graduation requirements for the omitted years.

Second, subsection (c)(1)(iii) requires school districts, charter schools, cyber charter schools, and area career and technical schools to adopt and implement requirements for high school graduation that demonstrate proficiency with the Science, Environment and Ecology academic standards in Appendix B-1 beginning in the 2022-2023 school year. However, Appendix B-1 will not be effective until July 1, 2024. Appendix B will be in effect until it sunsets on June 30, 2024. To ensure that the timetables for compliance are accurately stated, we ask the Board to revise subsection (c)(1)(iii) to reference Appendices B and B-1, along with their respective effective dates.

**4. Section 4.51. State assessment system.—Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Clarity and lack of ambiguity.**

Under subsection (a)(6), the State assessment system shall be designed to assess student proficiency in Science, Environment, Ecology, Technology and Engineering as set forth in Appendix B-1. As explained in Comment # 3, Appendix B-1 will become effective on July 1, 2024. To ensure that the timetables for compliance by schools are accurately stated, we ask the Board to revise subsection (a)(6) to reference Appendices B and B-1, along with their respective effective dates, or explain why it is unnecessary to do so.

This comment also applies to Sections 4.51a(b) and 4.51b(a)(3) (relating to Pennsylvania System of School Assessment; and Keystone Exams).

**5. Appendix B.—Implementation procedures; Clarity and lack of ambiguity.**

Appendix B will sunset on June 30, 2024. Will the Board reserve this appendix at that time? We ask the Board to explain how it will ensure that the regulated community is using the appropriate academic standards in the *Pennsylvania Code* when the final-form regulation is codified.

**6. Appendix B-1.—Consistency with statute; Clarity, feasibility and reasonableness of the regulation.**

Appendix B-1 contains the following academic standards: Pennsylvania Integrated Standards for Science,

Environment, Ecology, Technology and Engineering (Grades K—5); Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6—12); and Technology and Engineering Standards (Grades 6—12). The Board explains that these academic standards provide integration of Environment, Ecology, Science, Engineering and Technology education in one document for kindergarten through grade 5, and grade bands for grades 6—8 and 9—12 so that there is greater flexibility in course design and progression. This represents “a shift to the integration of Science with Environment and Ecology for grades 6—12, encouraging integration across the Science disciplines while promoting equity by ensuring the Environment and Ecology content is included in Science instruction for all students across all grades.” The Board goes on to state that this appendix “considers the Pennsylvania context with clear connections to agriculture, career readiness and sustainability.”

Commentators have numerous concerns, questions and recommendations relating to these academic standards, including the following:

- The policies in Section 2 of the Environmental Education Act stating the duties of the Board for environment and ecology curriculum and the Department of Education for formal environmental education are not met in the proposed standards; 35 P.S. § 7522;

- The following performance expectations, disciplinary core ideas and appropriate learning progressions from the current standards and the Next Generation Science Standards (NGSS) are omitted or not connected: watersheds and wetlands; renewable and nonrenewable resources; environmental health; agriculture and society; integrated pest management; ecosystems and their interactions; threatened, endangered and extinct species; humans and the environment; and environmental laws and regulations;

- The standards are adapted from the performance expectations in the NGSS, but do not include disciplinary core ideas, cross-cutting concepts, and science and engineering practices. As such, the performance expectations are not specific enough to show teachers and assessors the level of knowledge and achievement necessary to attain the standard, and students cannot attain the performance expectations if the disciplinary core ideas, cross-cutting concepts, and science and engineering practices are not part of the standards;

- The following topics from North America Association for Environmental Education Guidelines are not included: human systems; decision-making and action skills; and personal and civic responsibility;

- The standards for grades 6—12 should be revised to include Environment, Ecology and Agriculture as a separate, fifth domain with associated performance expectations to provide a level of specificity and application that makes the standards meaningful and effective;

- There was not an attempt to crosswalk the standards for Science, Environment and Ecology for grades 6—12 to the National Agriculture, Food, and Natural Resources standards to provide clarity and guidance to agriculture science teachers;

- The following Environment and Ecology standards should be added to reinforce the connections between humans and the natural world: systems thinking; human health; diversity, equity and inclusion; direct experience; expanding environmental science and ecology principles across disciplines; critical and creative thinking; and sustainability;

- Suggestions for additional standards addressing climate change, alternative energy sources, Pennsylvania-specific standards focused on the environment and ecosystems, environmental literacy and applied science; and
- Environment and Ecology standards overlap heavily with the performance expectations by grade, including those that relate to human activity, impact and decision making about the environment and its protection.

We ask the Board to explain how the academic standards in Appendix B-1 adequately integrate standards for Science, Environment, Ecology, Technology, Engineering and Agriculture. We also ask the Board to explain how students will achieve competency under these standards in order to be properly prepared for the Science, Technology, Engineering and Mathematics economy and the 21st century workforce. We will review the Board's explanations and responses to the commentators' concerns when determining if the regulation is in the public interest.

#### 7. Miscellaneous clarity.

- The response to Regulatory Analysis Form Question # 29 regarding the effective date of the final-form regulation should be updated.
- Sections 4.24(c)(1)(iii)(B)(I) and 4.51(a)(6) include "Civics and Government," which are no longer included in the Keystone Exams. Should references to these academic standards be deleted?
- The U.S.C.A. citation should be added following cross-reference to the Elementary and Secondary Education Act of 1965 in Section 4.24(j).
- The Board should review cross-references to Section 4.51b to ensure citations reflect renumbering.
- The Board should consider clarifying Section 4.51b(j) by specifically citing the Every Student Succeeds Act (Pub.L. No. 114-95) as the successor federal statute to the No Child Left Behind Act of 2001 (Pub.L. No. 107-110).
- Section 4.51c should be corrected by deleting the subsection "(a)" designation in accordance with Section 2.1(e) of the *Pennsylvania Code and Bulletin Style Manual*.
- The *Purdon's* citations to sections 121 and 121.1 of the Public School Code of 1949 (24 P.S. §§ 1-121 and 1-121.1) should be corrected in Sections 4.24, 4.51b, 4.51c and 4.51d.

#### State Board of Vehicle Manufacturers, Dealers and Salespersons Regulation # 16A-6015 (IRRC # 3305)

##### Fee Increase

August 11, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the June 12, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) to respond to all comments received from us or any other source.

#### 1. Determining whether the regulation is in the public interest; Economic or fiscal impacts; Reasonableness; Compliance with the RRA

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the

public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and the reasonableness. To make that determination, the Commission must analyze the text of the proposed regulation and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis Form (RAF) (71 P.S. § 745.5(a)).

The Board's Preamble and responses to several questions on the RAF are not sufficient to allow this Commission to determine if the regulation is in the public interest. The Board is proposing to increase the application and biennial renewal fees for vehicle salespersons, manufacturer or distributor representatives, manufacturers, manufacturer or distributor branches, distributors, dealers, auctions and dealer branch lots on a graduated basis. In total, the Board is increasing sixteen fees (eight application fees and eight biennial renewal fees).

The Department of State's Bureau of Finance and Operations (BFO) annual financial report estimates the Board will experience a shortfall of approximately \$817,347.00 by the end of Fiscal Year (FY) 2021-2022. The Board proposes to increase fees, across the eight categories of licenses, for existing licensees by 25 percent and for first-time applicants by 160—200 percent over the existing fees. While we recognize the Board is statutorily required by Section 330(a) of the Board of Vehicles Act (Act) to increase fees when the revenues generated by fees, fines and civil penalties are insufficient to match expenditures over a two-year period (63 P.S. § 818.330), these increases are significant, particularly for initial applicants. Under this proposal, existing licensees will have the benefit of an implementation schedule that spans two bienniums to plan for the increases. We ask the Board to explain how the percentage increases of fees are reasonable for existing licensees and new applicants. In addition, the Board does not explain what steps it has taken to control expenses. The Board should include this narrative in the Preamble and RAF when it submits the final-form regulation.

RAF # 26 requires the promulgating agency to include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected. The Board's response to RAF # 26 states that it "considered a one-time 20% increase in application and renewal fees and determined that a graduated fee increase offered the best protection for the Board against the loss of licensees resulting from the natural fluctuations in the industry."

The Board's response to RAF # 26 does not discuss how the Board's proposal represents the least burdensome acceptable alternative for existing licensees and first-time applicants. When the Board submits the final version of this rulemaking, it should explain how the Board's proposal represents the least burdensome approach for the regulated community. A statement indicating that the Board selected the least burdensome alternative should be included.

In the Preamble and response to RAF # 10, the Board explains it has incurred significant increases in legal, hearing examiner, enforcement and investigation expenses. In the Preamble, paragraph 2 under Background and Purpose the Board states that expenses for FY 2019-2020 were \$2.88 million. Expenses for FY 2021-2022 and FY 2022-2023 are estimated to be \$6.29 million. This significant increase in Board expenses is attributed to the



rapid rise in the number of investigations, open cases and disciplinary matters arising from the criminal information that the Board receives from the Pennsylvania Justice Network. The Board reports that the BFO expects these increases to continue proportionately based on the data collected by the Bureau of Enforcement and Investigation. Have these investigations, open cases and sanctions resulted in a substantial increase in the fines and civil penalties the Board collects? If not, why not?

Additionally, the Board anticipates that increased revenue will be needed to fulfill its obligations under recently adopted amendments to the act. To better understand the basis and the need for the regulation, we ask the Board to address the following questions when it submits the final rulemaking:

- What factors have contributed to the rapid rise in the number of investigations, open cases and disciplinary matters?
- What is the time period over which the increase in the number of investigations, open cases and disciplinary matters has occurred?
- Why does the BFO expect these numbers to continue to increase?
- Which newly enacted amendments require increased revenue necessary for the Board to carry out its obligations?

As part of the response to RAF # 28, the Board provides Fee Report Forms in support of the initial licensure fees for the eight categories of licenses. However, the Fee Report Forms, including the “Fee-Related Activities and Costs” calculation, for the eight biennial renewal fees were not included. We ask the Board to provide its costs for biennial renewal of the eight license categories, including the “Fee Related Activities and Costs,” in support of the amount of the fees in the final regulation.

The numbers shown in RAF # 16 and 17 do not match the numbers shown under the Fiscal Impact and Paperwork Requirements section of the Preamble. In RAF # 16 and 17, the Board states that there are 41,828 license renewals and 13,252 new applications. In the referenced section of the Preamble, it reports 39,840 license renewals. The Board should review the information provided in the Preamble and RAF for consistency and make the necessary revisions when it submits the final version of this rulemaking.

The Board utilizes information from the BFO’s annual financial report that was presented November 27, 2019, which includes actual expenses and revenue from FY 2011-2012 through FY 2018-2019, as the basis for this regulatory proposal. (RAF # 10, # 28) In RAF # 23a, the Board provides an estimated expenditure figure, rather than an actual figure, for FY 2019-2020. We ask the Board, when it submits the final rulemaking package, to provide an updated RAF and Attachments that includes the most recent fiscal data available.

## 2. Miscellaneous

- The Board should make certain that the titles of the fees are used consistently in the Preamble, RAF and Attachments to the final-form regulation.
- In RAF # 14, the Board should verify and revise, if necessary, the dates of the Board’s meetings.
- In RAF # 30, the Board meeting dates should be revised to remove any dates that are no longer remaining.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 21-1331. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the dates noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission’s web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-559	Environmental Quality Board CO <sub>2</sub> Budget Trading Program	7/28/21	9/1/21

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 21-1332. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of Turley Insurance Agency, Inc. under Act 143; The Harford Mutual Insurance Company; Doc. No. AT21-07-012

Turley Insurance Agency, Inc. has requested review of an agency contract termination by The Harford Mutual Insurance Company under sections 1—6 of The Insurance Department Act of 1921 (40 P.S. §§ 241—246).

A pre-review videoconference initiated by this office is scheduled for September 23, 2021. A date for a review shall be determined, if necessary, at the pre-review videoconference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before September 9, 2021. The e-mail address to be used for the Administrative Hearings Office is [ra-hearings@pa.gov](mailto:ra-hearings@pa.gov). Answer to protests, petitions to intervene or notices of

intervention, if any, shall be electronically filed on or before September 21, 2021.

Persons with a disability who wish to attend the previously-referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the review, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1333. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by Lackawanna American Insurance Company

Lackawanna American Insurance Company, a domestic stock casualty insurance company, has filed for approval of a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Texas. The filing was made under section 357 of The Insurance Company Law of 1921 (40 P.S. § 477e).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1334. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by Lackawanna Casualty Company

Lackawanna Casualty Company, a domestic stock casualty insurance company, has filed for approval of a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Texas. The filing was made under section 357 of The Insurance Company Law of 1921 (40 P.S. § 477e).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts

to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1335. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by Lackawanna National Insurance Company

Lackawanna National Insurance Company, a domestic stock casualty insurance company, has filed for approval of a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Texas. The filing was made under section 357 of The Insurance Company Law of 1921 (40 P.S. § 477e).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1336. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

ACE INA Overseas Reinsurance Company Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 28, 2021, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address, telephone number and e-mail address of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Nicholas S. Murray at nmurray@pa.gov and Bruce K.

Hart at bruchart@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1337. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Designation as a Certified Reinsurer

Chubb European Group SE has applied for designation as a certified reinsurer in this Commonwealth. The application was received on June 28, 2021, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address, telephone number and e-mail address of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Nicholas S. Murray at nmurray@pa.gov and Bruce K. Hart at bruchart@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1338. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Chubb Reinsurance (Switzerland) Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 30, 2021, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address, telephone number and e-mail address of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to

Nicholas S. Murray at nmurray@pa.gov and Bruce K. Hart at bruchart@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1339. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Chubb Tempest Reinsurance Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 28, 2021, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address, telephone number and e-mail address of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Nicholas S. Murray at nmurray@pa.gov and Bruce K. Hart at bruchart@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1340. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Charles Alan Molter; Public Adjuster License Denial Appeal; Doc. No. AG21-08-001

Under the act of December 20, 1983 (P.L. 260, No. 72) (63 P.S. §§ 1601—1608) referred to as the Public Adjuster's Act, Charles Alan Molter has appealed the denial of an application for an insurance public adjuster license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing videoconference initiated by this office is scheduled for September 14, 2021, at 1:30 p.m. A date for a hearing shall be determined, if necessary, at the prehearing videoconference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before August 31, 2021. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answer to protests, petitions to intervene or notices of intervention, if any shall be electronically filed on or before September 13, 2021.



Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1341. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Nazareth Mutual Insurance Company; Earl J. Muth; File No. 20-116-247743; Doc. No. P20-06-012; September 8, 2021, 9 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1342. Filed for public inspection August 20, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Robert F. Walters, Jr.; License Denial Appeal; Doc. No. AG21-07-024

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Robert F. Walters, Jr.

has appealed the denial of the application for a 1033 written waiver to engage in the business of insurance. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing videoconference initiated by this office is scheduled for August 25, 2021. A date for a hearing shall be determined, if necessary, at the prehearing videoconference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before September 8, 2021. The e-mail address to be used for the Administrative Hearings Office shall be ra-hearings@pa.gov. Answer to protests, petitions to intervene or notices of intervention, if any shall be electronically filed on or before September 20, 2021.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1343. Filed for public inspection August 20, 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-21-001, Dated July 6, 2021. Authorizes the side agreement with AFSCME that provides for a pilot incentive program with the Department of Banking and Securities (DoBS) designed to encourage and promote employee professional development through the attainment and maintenance of professional education certifications to enhance the retention and recruitment of DoBS staff.

Resolution No. CB-21-002, Dated July 28, 2021. Authorizes the labor agreement entered between the Commonwealth and the Pennsylvania State Troopers Association (PSTA). The agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2021, through June 30, 2024.

#### *Governor's Office*

Manual No. 210.09—The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule, Amended July 28, 2021.



Management Directive No. 310.40—Automated Clearing House (ACH) Payments, Dated July 16, 2021.

Management Directive No. 325.07—Implementation of the Commonwealth's State-Level Single Audit, Amended July 16, 2021.

Administrative Circular No. 21-11—Revenue Estimates, 2021-22 & 2022-23 Fiscal Years, Dated July 8, 2021.

AMY J. MENDELSON,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 21-1344. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Centre WISP Venture Company, LLC; Doc. No. P-2021-3023605**

The Pennsylvania Public Utility Commission (Commission) approved the petition of Centre WISP Venture Company, LLC, (Centre WISP) for designation as an eligible telecommunications carrier (ETC), by order entered on August 5, 2021, at Doc. No. P-2021-3023605.

To be eligible to receive the Federal high-cost support funding that it was awarded in the Federal Communications Commission's (FCC) rural Digital Opportunity Fund Auction (Auction 904), Centre WISP was required to obtain designation as an ETC from the Commission. Centre WISP filed its ETC petition at the Commission on January 6, 2021. The Commission invited comments on the petition by notice published at 51 Pa.B. 762 (February 6, 2021). After review, the Commission has approved the petition. Centre WISP is now required to certify to the FCC that it has received designation as an ETC in the eligible census block groups in the Commonwealth for which it submitted a winning bid and has been awarded Auction 904 Federal high-cost support by the FCC.

Documents relative to this docket are available for inspection by searching under the petitioner's docket number on the Commission's web site at <https://www.puc.pa.gov/search/document-search/>.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1345. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Request for Comments on Implementation of Potential Amendments to 52 Pa. Code § 59.34 Relating to Leakage Surveys of Customer-Owned Service Lines**

Public Meeting held  
August 5, 2021

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

*Request for Comments on Implementation of Potential Amendments to 52 Pa. Code § 59.34 Relating to Leakage Surveys of Customer-Owned Service Lines;*  
*Docket No. L-2020-3019417*

### **Tentative Implementation Order**

*By the Commission:*

In accordance with Sections 501 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501 and 1501, the Pennsylvania Public Utility Commission (Commission) issues this Tentative Implementation Order to request comments on potential implementation of amendments to 52 Pa. Code § 59.34 relating to leakage surveys of customer-owned service lines, to make Section 59.34 consistent with Part 192.13(c) of the Code of Federal Regulations (CFR), 49 C.F.R. § 192.13(c). Section 192.13(c) of the CFR requires a pipeline operator to maintain, modify as appropriate, and follow the plans, procedures, and programs that the operator is required to establish under Part 192 of the CFR relating to the transportation of natural gas or other gas by pipeline. Part 192 of the CFR establishes minimum safety standards for pipelines. Those standards include a requirement that each segment of pipeline that becomes unsafe must be replaced, repaired, or removed from service. 49 C.F.R. § 192.703(b).

Pursuant to 49 C.F.R. § 192.3, a service line ends at the outlet of the customer meter or customer's piping, whichever is farther downstream. This makes the pipeline operator responsible for compliance with federal pipeline safety regulations between the main and the outlet of the meter or customer's piping, whichever is farther downstream. It appears that Section 59.34 of the Commission regulations is inconsistent with the federal regulation as our regulation requires the pipeline operator to make the customer that owns the service line repair or renew the pipe if a leak is found in the service line located between the main and the meter. It is essential that the Commission regulations and the federal regulations are consistent regarding the extent of a pipeline operator's responsibility for pipeline safety. Therefore, the Commission proposes to amend 52 Pa. Code § 59.34 to accurately and consistently define the extent of a pipeline operator's responsibility in compliance with the CFR. Before proceeding to do so, however, by this Tentative Implementation Order, the Commission seeks comments from all interested parties on how the Commission should implement these potential amendments to the regulations and effectively accomplish the goals of the Commission.

### *Background*

On January 28, 2019, as part of its evaluation of the Commission's 2017 pipeline safety program activities, the Director of State Programs, Office of Pipeline Safety<sup>1</sup> at the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), notified the Commission of a potential conflict between the federal regulations and the Commission's regulations at 52 Pa. Code § 59.34 (relating to leakage surveys of customer-owned service lines). On November 1, 2019, the Director of State Programs at PHMSA provided specific details to the Commission on the potential conflict between the federal regulations and the Commission's regulations at 52 Pa. Code § 59.34.

<sup>1</sup> Mr. Zach Barrett is the Director of State Programs in PHMSA's Office of Pipeline Safety.

As explained in greater detail below, PHMSA's concern is that Section 59.34(c) of the Commission's regulations conflicts with PHMSA Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, 49 C.F.R. § 192.723(b)(2) (relating to Distribution systems: Leak repair), because our regulation requires the pipeline operator to make the customer that owns the service line repair or renew the pipe if a leak is found in the service line located between the main and the meter. In contrast, PHMSA regulations at 49 C.F.R. § 192.13(c) requires "[e]ach operator [to] maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under [Part 192]."<sup>2</sup> Furthermore, Section 192.703(b), requires "[e]ach segment of pipeline that becomes unsafe must be replaced, repaired, or removed from service." See 49 C.F.R. § 192.703(b).

The Pennsylvania Public Utility Code (Code) defines "service line" as "[t]he pipe and appurtenances of the gas utility which connect any main with either the point of connection of a customer's service line or the meter of the public utility if the utility owns all the pipe and appurtenances between its main and meter." 66 Pa.C.S. § 102 (relating to definitions). The Code further defines a "customer's service line" as "[t]he pipe and appurtenances owned by the customer extending from the service connection of the gas utility to the inlet of the meter serving the customer." *Id.* The Commission's regulations at Chapter 59 further define a "service line" as "[a] distribution line that transports gas from a common source of supply to a customer meter or the connection to a customer's piping, whichever is further downstream, or the connection to a customer's piping if there is no customer meter." 52 Pa. Code § 59.1 (relating to definitions). In comparison to a customer's service line, Section 59.1 defines a "public utility service line" as:

The pipe and appurtenances of the public utility which connect any main with either the point of connection of a service line of the customer if the line is provided by the customer in accordance with the rules and regulations of the public utility, or the meter of the public utility if the utility owns all the pipe and appurtenances between its main and meter.

*Id.*

Regardless of the ownership of the service line, Section 1510 of the Code provides that maintenance of the service line is the responsibility of the owner of the line, stating in pertinent part:

When connecting the premises of the customer with the gas utility distribution mains, the public utility shall furnish, install and maintain the service line or connection according to the rules and regulations of the filed tariff. A public utility shall not be authorized or required to acquire or assume ownership of any customer's service line. A public utility shall not be authorized or required to acquire or assume ownership of any pipe or appurtenances installed after the effective date of this section between its main and the meter unless the utility would have been authorized or required to do so according to the rules and regulations of its filed tariff if the pipe or appurtenances had been installed on or before the effective date of this section. *Maintenance of service lines shall be the responsibility of the owner of the service line.*

66 Pa.C.S. § 1510 (emphasis added).

<sup>2</sup> Operator is defined as "a person who engages in the transportation of gas." See 49 C.F.R. § 192.3 (relating to definitions).

Finally, within the context of Section 1510 of the Public Utility Code, Section 59.34 of the Commission's regulations provides:

(a) *Plan.* A public utility shall establish and execute a plan by which it will periodically survey each customer-owned service line for leakage. The plan shall conform with or exceed the standards established in 49 CFR 192.723 (relating to distribution systems; leakages and procedures) as of May 1, 1986 and subsequent amendments thereto which have been ratified by the Commission under § 59.33 (relating to safety). The public utility shall file with the Commission a copy of the plan required by this subsection including statements of the type of survey it will use and of the frequency of the survey. As used in this section, the term "customer-owned service line" includes that piping serving a residential or commercial customer which is between the main, pipeline or other source of supply and whichever is the more remote of either the meter set assembly, or the wall of the residence or commercial building if the customer owns part of the piping.

(b) *Access to customer premises.* If the leakage survey prescribed by subsection (a) requires access to the premises of a customer and the customer refuses access, or if the public utility requires a customer to inform it of the location of a service line and he fails to provide the information, the public utility may shut off gas service until access is permitted or the information is provided. If subsection (a) requires a leakage survey to a meter set assembly inside the wall of a residence or commercial building, and the public utility cannot gain access to the building because of absence of the occupants, the public utility shall leave a notice at the premises, instructing the customer to designate to the public utility a day and time during normal working hours when access may be had. The public utility may defer the leakage survey to the day and time so designated.

(c) *Procedure after survey.* Upon completion of a survey of a customer-owned service line, the public utility shall make a record showing the date and method of the survey, and the result found. If the result shows that a leak exists in the service line, *the public utility shall require the customer to repair or renew the line, and may shut off gas service until repair or renewal has been effected.* The public utility shall retain the record of the two most recent surveys made under this section.

52 Pa. Code § 59.34 (emphasis added).

#### *PHMSA's Concerns*

As indicated above, Mr. Zach Barrett, Director of State Programs in PHMSA's Office of Pipeline Safety, informed the Chairperson of the Commission of a potential conflict between the federal regulations and the Commission's regulations at 52 Pa. Code § 59.34. Section 59.34(a) requires, in part, a leakage survey for customer-owned service lines located between the main and the meter. While this leak survey requirement in Section 59.34 is redundant, as a leak survey is already required for all pipe located between the main and the meter under 49 C.F.R. § 192.723(b)(2), Mr. Barrett's concern is that Section 59.34(c) of the Commission's regulations requires the pipeline operator to make the customer repair or renew the pipe if a leak is found on the pipe located between the main and the meter for customer-owned service lines. PHMSA notes that Section 59.34(c) conflicts

with 49 C.F.R. § 192.13(c) which requires the pipeline operator to maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under Part 192. As stated above, Section 192.703(b) of the CFR requires each segment of pipeline that becomes unsafe must be replaced, repaired, or removed from service. Pursuant to Section 192.3 of the CFR, a service line ends at the outlet of the customer meter or customer's piping, whichever is farther downstream. Federal regulations, therefore, make the operator responsible for compliance with the Federal pipeline safety regulations between the main and the outlet of the meter, and not the customer as contemplated in Section 59.34 of the Commission's regulations.

Moreover, PHMSA also took issue with 52 Pa. Code § 59.34(b), which requires the customer to provide the location of the service line, stating "if the public utility requires a customer to inform it of the location of a service line. . .the public utility may shut off gas service until access is permitted or the information is provided." This provision implies that the pipeline operator does not know the location of the pipe upstream of the meter because the regulation requires the customer to inform the pipeline operator of the service line location. According to PHMSA, this statement ignores the fact that under the CFR the service line between the main and the meter is the pipeline operator's responsibility, not the customer's, to design, construct operate, and maintain in accordance with the pipeline safety regulations, pursuant to 49 C.F.R. § 192.1, et. seq.

PHMSA emphasized that it does not have a role in determining who is responsible for the payment of repairs to the customer-owned pipe. PHMSA agrees that there can be customer-owned pipe upstream of the meter; however, under the CFR the operator of the pipe is responsible for the design, construction, operation, and maintenance of the pipe, regardless of who owns it.

In sum, the requirement under Section 59.34 of the Commission's regulations to conduct a special leak survey from the outlet of the meter to the building wall is more stringent, and imposes an additional safety requirement, than what is required by the Federal pipeline safety regulations. According to PHMSA, the language in the Commission's regulation, however, is confusing when applied upstream of the meter, as it implies a leakage survey would not be required without Section 59.34, and further, implies that certain Chapter 49 Part 192 requirements would not apply to the pipe between the main and the meter. As a result, Section 59.34 gives the impression, albeit unintended, that the customer, and not the operator, is responsible for pipeline safety on part of the pipe between the main and the meter that is service line owned by the customer. PHMSA asserts that while the Commission has generally adopted the federal pipeline safety regulations under 52 Pa. Code § 59.33(b), the specific conflicts that it has identified between Part 192 of the CFR and 52 Pa. Code § 59.34 of the Commission's regulations must be resolved.

#### *Discussion*

Section 1510 and the definitions of "service line" and "customer's service line" found in Section 102 of the Code, make clear that in Pennsylvania either the utility or a customer may own a service line upstream of the meter (or the connection to a customer's piping at the wall if there is no customer meter). Section 1510, however, provides that it is the "responsibility of the owner of the service line" to maintain the line. Until now, the Commission has interpreted "responsibility of the owner of the

service line" in Section 1510 of the Code, as implemented in Section 59.34 of the Commission's regulations, as requiring the customer to make the repairs to the customer owned portion of the service line upstream of the meter if a public utility leak survey detects a leak on that portion of the line. To be consistent with 49 C.F.R. § 192.13(c) and 49 C.F.R. § 192.703(b), however, the Commission now proposes that the Section 1510 requirement for a customer to maintain its customer-owned service line can be satisfied by allowing the public utility to bill the customer pursuant to the utility's tariff for any costs it incurs in making the repair or replacement.

Therefore, to address the issues raised by Mr. Barrett, the Director of State Programs at PHMSA, and to ensure that the public utility can furnish and maintain adequate, efficient, safe, and reasonable service and facilities in the provision of natural gas service, the Commission proposes to revise its regulations to clarify that it is the responsibility of a public utility to design, construct, operate, and maintain a customer's service line upstream of the inlet of the meter serving the customer (or the connection to a customer's piping at the wall if there is no customer meter). To conform with Section 1510 of the Code, 66 Pa.C.S. § 1510, and its prohibition against requiring the public utility to acquire or assume ownership of any customer's service line, the Commission proposes that the utility shall require a customer to pay the public utility for all reasonable costs incurred by the public utility to repair and maintain the customer's service line upstream of the meter (or the connection to a customer's piping at the wall if there is no customer meter).

#### **I. Proposed Changes to Section 59.34**

Specifically, the Commission is considering the following actions, and is seeking comments from all interested parties on these issues, prior to the Commission issuing a Notice of Proposed Rulemaking (NOPR) to revise its regulations. The Commission believes that seeking comments prior to issuing the NOPR will allow the Commission to craft the most effective NOPR and streamline the NOPR process.

##### *A. Amend Section 59.34(b)—Access to Customer Premises*

Consistent with the discussion above, the Commission proposes deletions in Section 59.34(b) to reflect that the public utility must include the location of all customer-owned service lines upstream of the meter in its records of its natural gas system. The Commission proposes to delete conflicting language in Section 59.34(b) to make it clear that the public utility must maintain information on such service lines.

##### *B. Amend Section 59.34(c)—Procedure After Survey*

Consistent with the discussion above, the Commission proposes revisions to Section 59.34(c) to require that the public utility (either directly or through qualified subcontractors) perform repairs or renewals of customer-owned service lines upstream of the meter (or the wall of the property if there is no meter present). The customer would be responsible for repairs or renewals downstream of the meter (or wall if no meter), and the public utility could shut off gas service until such downstream repairs are made to ensure safe and reliable gas service.

##### *C. Add Section 59.34(d)—Maintenance of Customer's Service Lines*

The Commission proposes to add Section 59.34(d) to clarify that the public utility would be responsible for the design, construction, operation, and maintenance of a



customer's service line upstream of the inlet of the meter (or wall if no meter) serving the customer, and that the public utility may bill the customer for all costs for the design, construction, operation, and maintenance of a customer's service line upstream of the inlet of the meter (or wall if no meter) serving the customer, in accordance with its tariff.

#### *Request for Comments*

As indicated above, the Commission seeks comments from all interested parties to issues related to implementation of the proposed amendments of 52 Pa. Code § 59.34 relating to leakage surveys of customer-owned service lines prior to the Commission issuing a NOPR to revise its regulations. In addition to comments regarding any issues that interested parties may wish to raise, the Commission has identified some specific issues for which it desires comments. These issues will have to be addressed in any rulemaking to amend Section 59.34 of the Commission's regulations, and the Commission believes that receiving comments at this stage will enable the Commission to more effectively craft the proposed amendments to Section 59.34.

Generally, the Commission perceives two broad categories of issues: first, monetary issues, and second, customer-service issues.

### **I. Monetary Issues**

#### *A. Cost Recovery*

The Commission seeks comments on how best to implement utility cost recovery from customers for repairs and maintenance of customer-owned services lines upstream of the meter in a manner that will balance the interests of the customer and the utility. Given the potentially high costs for repair work, customers may need time to pay the costs so as to not unduly burden customers with large, unexpected costs. However, utilities will require timely payment of their costs to enable them to carry out repairs expeditiously. Should the Commission allowing the utilities to establish repayment plans, with interest, for customers to pay the cost of repairs to their service lines? What is the maximum repayment period that should be allowed? What interest rate should be applied? The Commission seeks comments responding to these questions.

#### *B. Can a Natural Gas Distribution Company include the costs in the Distribution System Improvement Charge*

Pursuant to Sections 1350—1360 of the Public Utility Code (66 Pa.C.S. §§ 1350—1360), natural gas distribution companies (NGDCs) have an additional mechanism to recover costs related to the repair, improvement, and replacement of eligible property. The Commission seeks comments on whether repairs and maintenance of a customer-owned service line upstream of the meter may be includable in an NGDC's distribution system improvement charge (DSIC). Specifically, Section 1351(2)(iii) defines "eligible property" for NGDCs as including "gas service lines." The Commission seeks comments as to what extent such costs could be recovered through the DSIC, as opposed to billing the specific customer owning the service line for all costs associated with the repair and maintenance of such lines. Should the customer who owns the service line be required to make a minimum payment, with the remainder being recovered through DISC?

#### *C. Terminations for non-payment or refusal to provide access*

The Commission seeks comments as to when a utility may terminate service for customers who do not pay for the costs incurred by the utility for the repair and maintenance of customer-owned service lines upstream of the meter. Given that the utility may allow a payment plan, issues related to termination for failure to maintain the payment plan should also be addressed. The Commission also seeks comments on when a utility may terminate service if a customer does not provide the utility access to make repairs and what notices are to be given prior to service termination.

#### *D. Capitalization of Costs*

The Commission seeks comments as to whether costs related to utility repair and maintenance of customer-owned service lines upstream of the meter should be capitalized in an NGDC's rate base, as opposed to charging the customer owning the line. To do so, must the utility take ownership of the service line? If so, how is the purchase price to be determined? Must the utility apply for a certificate of public convenience for the service line before including it in rate base? How is the undepreciated book value to be determined? Should the utility include such costs under operations and maintenance in a future rate case?

#### *E. Potential Tariff Language Regarding Billing, Collection, and Rates*

The Commission seeks comments on whether uniform NGDC tariff language should be established for any of the above cost recovery methods? Should the uniform tariff language be codified in the regulations or established through a policy statement or order?

### **II. Customer-Service Issues**

#### *A. Utility Communications with Customers*

The Commission has identified that communication with customers regarding notice, cost estimates, billing, work scheduling, and the like will be a significant issue to address as part of this initiative. Therefore, the Commission seeks comments on how best to address these issues to ensure customers are provided clear and timely communications regarding their options prior to the utility completing the work. Communications will need to include an explanation of why the utility is repairing or maintaining any customer-owned service lines, as well as customer payment and service termination provisions.

#### *B. Gas Meter and Property Access Issues*

The Commission seeks comments as to utility access issues to provide utility repair and maintenance of customer-owned service lines upstream of the meter. Specifically, issues related to authority to access customer property, as well as scheduling to accommodate the utility and customer, will need to be addressed.

#### *Conclusion*

The Commission stresses that it seeks comments from interested parties for issues beyond this list, as the issues that interested parties may raise that the Commission has not considered will be particularly useful in effectively drafting the NOPR. The Commission believes it will benefit greatly from input from interested parties at this stage, rather than in later stages of the NOPR. Accordingly, under sections 501 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501 and 1501, the Commission is seeking comments from all interested parties to issues related to implementation of potential amendments of



52 Pa. Code § 59.34 relating to leakage surveys of customer-owned service lines prior to the Commission issuing a NOPR to revise its regulations; *Therefore,*

*It Is Ordered That:*

1. The Commission hereby seeks comments related to how Natural Gas Distribution Companies should implement potential amendments to 52 Pa. Code § 59.34 relating to leakage surveys of customer-owned service lines.

2. A copy of this Tentative Implementation Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website at [www.puc.state.pa.us](http://www.puc.state.pa.us).

3. Written comments at Docket No. L-2020-3019417 be submitted to the Pennsylvania Public Utility Commission within forty (40) days of the publication of this Tentative Implementation Order in the *Pennsylvania Bulletin*. Comments should be eFiled through the Commission's eFiling System per the Commission's Emergency Order dated March 20, 2020, at Docket No. M-2020-3019262. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at [http://www.puc.pa.gov/filing\\_resources.aspx](http://www.puc.pa.gov/filing_resources.aspx). Public documents filed relative to this proceeding will be available for inspection by searching under the docket number for this proceeding on the Commission's website at <https://www.puc.pa.gov/search/document-search/>.

4. The Secretary shall serve an electronic copy of this Order on: The Office of Consumer Advocate; The Office of Small Business Advocate; all jurisdictional natural gas distribution companies; and all city natural gas distribution operations.

5. The contact person regarding policy and technical issues for this proceeding is Robert Horensky, Gas Safety, Bureau of Investigation and Enforcement, 717-787-1063 or [rhorensky@pa.gov](mailto:rhorensky@pa.gov). The contact persons regarding legal issues for this proposed rulemaking are Adam D. Young, Assistant Counsel, Law Bureau, 717-787-4700 or [adyoung@pa.gov](mailto:adyoung@pa.gov), and Steven K. Bainbridge, Assistant Counsel, Law Bureau, 717-783-6165 or [sbainbridg@pa.gov](mailto:sbainbridg@pa.gov). Courtesy copies in Word or Word-compatible format of any filed comments should be provided to the named contact persons.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: August 5, 2021

ORDER ENTERED: August 5, 2021

[Pa.B. Doc. No. 21-1346. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 7, 2021. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania

Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by September 7, 2021. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2021-3027658. Barbara's Senior Concierge Service, LLC** (621 Hepburn Street, P.O. Box 2114, Williamsport, Lycoming County, PA 17701) for the right to begin to transport, as a common carrier, by motor vehicle, persons in call or demand service, between points in the City of Williamsport, Lycoming County.

**A-2021-3027707. Allegheny Black Car Service, LLC** (264 Mingo Road, Wexford, Allegheny County, PA 15090) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in the Counties of Allegheny and Butler to Pittsburgh International Airport, and vice versa. *Attorney:* William H. Stewart, III, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2021-3027709. Allegheny Black Car Service, LLC** (264 Mingo Road, Wexford, Allegheny County, PA 15090) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Allegheny and Butler to points in Pennsylvania, and return. *Attorney:* William H. Stewart, III, Esquire, Vuono & Gray, LLC, 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-2021-3027552. Archangel Adult Daycare Services, LLC** (1214 Quincy Avenue, Dunmore, Lackawanna County, PA 18509) for the discontinuance and cancellation of the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, clients of Archangel Adult Daycare Services, LLC, to and from their homes, between points in Lackawanna County.

**A-2021-2537506. Minaya's Limo Service** (418 North 14th Street, Lebanon, Lebanon County, PA 17046) for the discontinuance and cancellation of the right to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania; excluding service that is under the jurisdiction of the Philadelphia Parking Authority, as originally docketed at A-2016-2537506.

**A-2021-3027600. Adam Limousine, LLC** (1546 Blackrock Road, Swarthmore, Delaware County, PA

19081) for the discontinuance of service and cancellation of its certificate, for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Bucks, Chester, Delaware and Montgomery.

**A-2021-3027604. A Touch of Elegance Limousine Service, Inc.** (53 Collingsdale Avenue, New Castle, DE 19720) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-00122108, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2021-3027652. Kopp Kar Transportation, LLC** (745 School Lane, New Holland, Lancaster County, PA 17557) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County to points in Pennsylvania, and return.

**A-2021-3027653. Faithful at Home Care, LLC** (888 Millersville Road, Lancaster, Lancaster County, PA 17603) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6418237, persons in paratransit service, limited to persons who are home health clients of Faithful At Home Care, LLC, from points in Lancaster and York Counties, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 21-1347. Filed for public inspection August 20, 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 September 6, 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. E Z Ride Home Transportation Services, LLC; Docket No. C-2021-3026647

#### 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 Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to E Z Ride Home Transportation Services, LLC, (respondent) is under suspension effective June 10, 2021 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 818 Alexander Ave., Drexel Hill, PA 19026.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 07, 2020, at A-6422864.

4. That respondent has failed to maintain evidence of Liability 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-6422864 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,  
Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, Andrew Turriziani, Chief of 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: 6/22/2021

Andrew Turriziani  
Chief of 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](mailto: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. 21-1348. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027740. Verizon Pennsylvania, LLC and Block Line Systems, LLC.** Joint petition of Verizon Pennsylvania, LLC and Block Line Systems, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Block Line Systems, LLC, by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Block Line Systems, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1349. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027742. Verizon Pennsylvania, LLC and Block Line Systems, LLC.** Joint petition of Verizon Pennsylvania, LLC and Block Line Systems, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Block Line Systems, LLC, by their counsel, filed on August 9, 2021, at the



Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Block Line Systems, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1350. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027743. Verizon Pennsylvania, LLC and Block Line Systems, LLC.** Joint petition of Verizon Pennsylvania, LLC and Block Line Systems, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Block Line Systems, LLC, by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Block Line Systems, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1351. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027744. Verizon North, LLC and Block Line Systems, LLC.** Joint petition of Verizon North,

LLC and Block Line Systems, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Block Line Systems, LLC, by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Block Line Systems, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1352. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027745. Verizon North, LLC and Block Line Systems, LLC.** Joint petition of Verizon North, LLC and Block Line Systems, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Block Line Systems, LLC, by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996. Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Block Line Systems, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1353. Filed for public inspection August 20, 2021, 9:00 a.m.]



## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027746. Verizon Pennsylvania, LLC and Fibernet Telecommunications of Pennsylvania, LLC.** Joint petition of Verizon Pennsylvania, LLC and Fibernet Telecommunications of Pennsylvania, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Fibernet Telecommunications of Pennsylvania, LLC, by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Fibernet Telecommunications of Pennsylvania, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1354. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027747. Verizon Pennsylvania, LLC and QuantumShift Communications, Inc.** Joint petition of Verizon Pennsylvania, LLC and QuantumShift Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and QuantumShift Communications, Inc., by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and QuantumShift Communications, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1355. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027748. Verizon North, LLC and QuantumShift Communications, Inc.** Joint petition of Verizon North, LLC and QuantumShift Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and QuantumShift Communications, Inc., by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon North, LLC and QuantumShift Communications, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1356. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027749. Verizon North, LLC and Fibernet Telecommunications of Pennsylvania, LLC.** Joint petition of Verizon North, LLC and Fibernet Telecommunications of Pennsylvania, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Fibernet Telecommunications of Pennsylvania, LLC, by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electroni-

cally through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Fibernet Telecommunications of Pennsylvania, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1357. Filed for public inspection August 20, 2021, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027750. Verizon Pennsylvania, LLC and Lumos Networks of West Virginia, Inc.** Joint petition of Verizon Pennsylvania, LLC and Lumos Networks of West Virginia, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Lumos Networks of West Virginia, Inc., by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Lumos Networks of West Virginia, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1358. Filed for public inspection August 20, 2021, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027751. Verizon North, LLC and Lumos Networks of West Virginia, Inc.** Joint petition of

Verizon North, LLC and Lumos Networks of West Virginia, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Lumos Networks of West Virginia, Inc., by their counsel, filed on August 9, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Lumos Networks of West Virginia, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1359. Filed for public inspection August 20, 2021, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027753. Verizon Pennsylvania, LLC and GC Pivotal, LLC.** Joint petition of Verizon Pennsylvania, LLC and GC Pivotal, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and GC Pivotal, LLC, by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and GC Pivotal, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1360. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027754. Verizon Pennsylvania, LLC and NOS Communications, Inc.** Joint petition of Verizon Pennsylvania, LLC and NOS Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and NOS Communications, Inc., by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and NOS Communications, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1361. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027755. Verizon Pennsylvania, LLC and GC Pivotal, LLC, d/b/a Global Capacity.** Joint petition of Verizon Pennsylvania, LLC and GC Pivotal, LLC, d/b/a Global Capacity for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and GC Pivotal, LLC, d/b/a Global Capacity, by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and GC Pivotal, LLC, d/b/a Global Capacity joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1362. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027757. Verizon Pennsylvania, LLC and Advanced Telephone Systems, Inc., d/b/a HTC Communications.** Joint petition of Verizon Pennsylvania, LLC and Advanced Telephone Systems, Inc., d/b/a HTC Communications for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Advanced Telephone Systems, Inc., d/b/a HTC Communications, by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon Pennsylvania, LLC and Advanced Telephone Systems, Inc., d/b/a HTC Communications joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1363. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027758. Verizon Pennsylvania, LLC and Citizens Telecom Solutions, LLC.** Joint petition of Verizon Pennsylvania, LLC and Citizens Telecom Solutions, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Citizens Telecom Solutions, LLC, by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.



Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Citizens Telecom Solutions, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1364. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027759. Verizon North, LLC and NOS Communications, Inc.** Joint petition of Verizon North, LLC and NOS Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and NOS Communications, Inc., by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon North, LLC and NOS Communications, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1365. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027762. Verizon North, LLC and GC Pivotal, LLC, d/b/a Global Capacity.** Joint petition of

Verizon North, LLC and GC Pivotal, LLC, d/b/a Global Capacity for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and GC Pivotal, LLC, d/b/a Global Capacity, by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and GC Pivotal, LLC, d/b/a Global Capacity joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1366. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027763. Verizon Pennsylvania, LLC and NexGen Networks Corp.** Joint petition of Verizon Pennsylvania, LLC and NexGen Networks Corp. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and NexGen Networks Corp., by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and NexGen Networks Corp. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1367. Filed for public inspection August 20, 2021, 9:00 a.m.]



## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027764. Verizon North, LLC and GC Pivotal, LLC, d/b/a Global Capacity.** Joint petition of Verizon North, LLC and GC Pivotal, LLC, d/b/a Global Capacity for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and GC Pivotal, LLC, d/b/a Global Capacity, by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and GC Pivotal, LLC, d/b/a Global Capacity joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1368. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3027765. Verizon North, LLC and NexGen Networks Corp.** Joint petition of Verizon North, LLC and NexGen Networks Corp. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and NexGen Networks Corp., by their counsel, filed on August 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and NexGen Networks Corp. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1369. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer by Sale

**A-2021-3027800 and U-2021-3027804. PECO Energy Company.** Application of PECO Energy Company for approval of transfer by sale to Gwyn Ayre Residents Association of street lighting facilities located in Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 7, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

*Applicant:* PECO Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699

*Through and By Counsel for:* Jack R. Garfinkle, Associate General Counsel, PECO Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699, (215) 841-4608, [Jack.Garfinkle@exeloncorp.com](mailto:Jack.Garfinkle@exeloncorp.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1370. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Wastewater Service; Telephonic Prehearing Conference

**A-2021-3024267. Aqua Pennsylvania Wastewater, Inc., (APW).** Application of APW, under 66 Pa.C.S. §§ 1102(a) and 1329 (relating to enumeration of acts requiring certificate; and valuation of acquired water and wastewater systems) for approval of: (1) the transfer by sale, of substantially all of the wastewater system assets, properties and rights of Lower Makefield Township (LMT) related to its wastewater collection and conveyance system; (2) the right of APW to begin to offer or furnish wastewater service to the public in LMT, Bucks County; and (3) the use for ratemaking purposes of the lesser fair

market value or the negotiated purchase price of the LMT assets related to its wastewater collection and conveyance system.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 7, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address. In accordance with the July 15, 2021, Commission Order, the Commission shall only accept eFilings instead of paper filings for all documents until September 30, 2021. All parties participating in matters pending before the Commission may open an eFiling account—free of charge—through the Commission's web site to eFile their submissions.

*Applicant:* Aqua Pennsylvania Wastewater, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Niesen, and Thomas, LLC, 212 Locust Street, Suite 302, Harrisburg, PA 17101, (717) 255-7600, [tniesen@tntlawfirm.com](mailto:tniesen@tntlawfirm.com)

#### Telephonic Prehearing Conference

An initial call-in telephonic prehearing conference on the previously captioned case will be held as follows:

<i>Type:</i>	Telephonic Prehearing Conference
<i>Date:</i>	Thursday, September 9, 2021
<i>Time:</i>	10 a.m.
<i>Presiding:</i>	Administrative Law Judge Jeffrey A. Watson Piatt Place Suite 220 301 5th Avenue Pittsburgh, PA 15222 (412) 565-3550 Fax: (412) 565-5692

At the previously listed date and time, individuals must call into the prehearing conference. Individuals will not be called by the Presiding Officer.

To participate in the telephonic prehearing conference, individuals must:

- Dial the following toll-free number.
- Enter the PIN number when instructed to do so listed as follows.
- Speak the individual's name when prompted.

The telephone system will connect you to the telephonic prehearing conference.

Toll-free Bridge Number: (866) 675-4281  
PIN Number: 85057514

Individuals with a disability who wish to attend the telephonic prehearing conference should contact the Commission to make arrangements for their special needs. Call the Scheduling Office at the Commission at least 5 business days prior to the telephonic prehearing conference to submit a request.

Individuals who require an interpreter to participate in the telephonic prehearing conference, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the telephonic prehearing conference to submit a request.

- Scheduling Office: (717) 787-1399

- Pennsylvania Hamilton Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1371. Filed for public inspection August 20, 2021, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than September 7, 2021. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-21-08-01. Khan & Brother, LLC** (12571 Deer Run Place, Philadelphia, PA 19154): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-21-08-02. Anamah Taxi, LLC** (5630 Walnut Street, Philadelphia, PA 19139): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-21-08-03. Dore Taxi, LLC** (2618 Bonaffon Street, Philadelphia, PA 19142): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 21-1372. Filed for public inspection August 20, 2021, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Jason L. and Stephanie E. Shives 455 Lear Road Harrisonville, PA 17228	Fulton County/ Licking Creek Township	722.56	Swine	New	Approved

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 21-1373. Filed for public inspection August 20, 2021, 9:00 a.m.]







