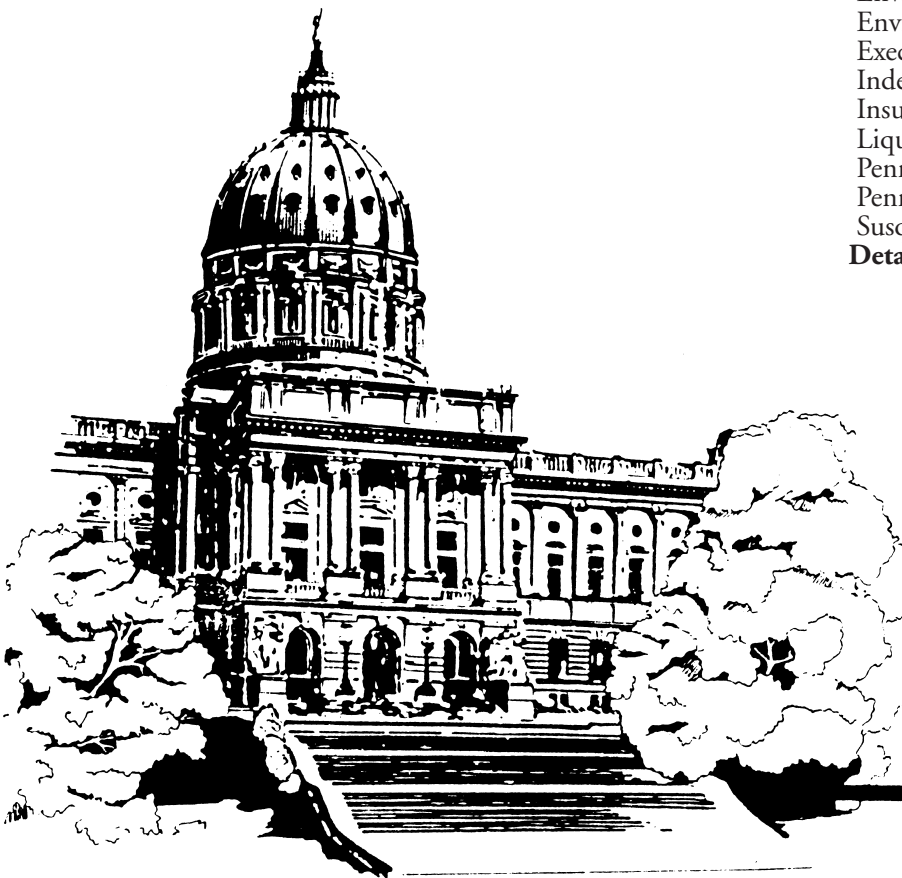


PENNSYLVANIA BULLETIN

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

No. 561, August 2021

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the Pennsylvania Bulletin

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

Source Notes give the history of regulations. To see if there have been recent changes not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

A quarterly List of *Pennsylvania Code* Sections Affected lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

The *Pennsylvania Bulletin* is available at www.pacodeandbulletin.gov.

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW [204 PA. CODE CH. 71]

Order Amending Rule 322 of the Pennsylvania Bar Admission Rules; No. 879 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 17th day of August, 2021, upon the recommendation of the Board of Law Examiners, the proposal having been published for public comment in the *Pennsylvania Bulletin* at 49 Pa.B. 5700 (October 5, 2019) and at 51 Pa.B. 780 (February 13, 2021):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 322 of the Bar Admission Rules is amended in the following form.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter C. RESTRICTED PRACTICE OF LAW CERTIFIED LEGAL INTERNS

Rule 322. Authorized [activities of certified legal interns] Activities of Certified Legal Interns.

(a) *General [rule] Rule.* Subject to the restrictions of this subdivision, a certified legal intern may with the approval of a supervising attorney:

(1) Appear before any **court or other** government unit [**(other than the Supreme, Superior or Commonwealth Courts)**] in any civil or criminal matter on behalf of any indigent, if the person on whose behalf the legal intern is appearing consents to such appearance. [**The supervising attorney must be personally present throughout the proceedings where the legal intern is appearing on behalf of the defendant in a criminal matter where the defendant has the right to counsel under any provision of law.**]

(2) Appear in any civil or criminal matter on behalf of the Commonwealth, if the Attorney General (or the prosecuting attorney in the case of a criminal matter) or his or her authorized representative consents to such appearance.

The approval of the supervising attorney and the consent of the party represented required by this subdivision shall be in writing and filed of record in the matter and shall be brought to the attention of the judge or magisterial district judge or the presiding officer of the other government unit. Appearances pursuant to this rule include provision of oral argument.

(b) *Preparation of [papers] Papers.* A certified legal intern may engage in other activities, [**under the general supervision of a member of the bar of this Commonwealth, but outside the personal presence of the attorney,**] including the following:

(1) Preparation of pleadings and other documents to be filed in any matter in which the legal intern is eligible to appear and in any appeals therefrom in the Supreme, Superior or Commonwealth Courts.

(2) Except when the assignment of counsel is required under any provision of law, **provision of** assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications for and supporting documents for post-conviction relief. If there is an attorney of record in the matter, all such assistance shall be supervised by the attorney of record.

Each pleading or other document shall contain the name of the legal intern who has participated in drafting it. If the legal intern participated in drafting only a portion of it, that fact may be stated. All pleadings or other documents shall be signed by the supervising attorney.

(c) *Supervising [attorney] Attorney.* The attorney under whose supervision a certified legal intern performs any of the services permitted by this rule shall [:]

(1) Be approved in writing as a supervising attorney for the purposes of this rule by the dean of the law school in which the legal intern is or was enrolled.

(2) Assume personal professional responsibility for the guidance of the legal intern in any work undertaken and for supervising the quality of the work of the legal intern.

(3) Assist the legal intern in his or her preparation to the extent the supervising attorney considers necessary.

(4) Assure that the certified legal intern is fully prepared and appropriately supervised.

(5) Ensure that a licensed attorney employed by his or her office is personally present during any appearance the certified legal intern makes before any tribunal.

Official Note: Based on former Supreme Court Rule 11 A, D and E and makes no change in substance.

[Pa.B. Doc. No. 21-1374. Filed for public inspection August 27, 2021, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Proposed Amendments to the Pennsylvania Rules of Professional Conduct Relating to Conflict of Interest: Current Clients: Specific Rules

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania ("Board") is considering recommending to the Supreme Court of Pennsylvania

that the Court amend Pennsylvania Rule of Professional Conduct 1.8(e) and related commentary, as set forth in Annex A.

EXPLANATORY REPORT

Rule 1.8(e) prohibits a lawyer from providing financial assistance to a client in connection with pending or contemplated litigation. There are two exceptions: advancing court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and paying court costs and expenses of litigation on behalf of a client when a lawyer represents an indigent client. Comment (10) explains that allowing lawyers to subsidize lawsuits and administrative proceedings, including making or guaranteeing loans to their clients for living expenses, could encourage clients to pursue lawsuits that might not otherwise be brought and give lawyers too great a financial stake in the litigation. However, the advancement of court costs and litigation expenses is permissible because such costs and expenses are comparable to contingent fees and in the situation of representing indigent clients, helps ensure access to the courts.

The Board's proposal would add another exception to Rule 1.8(e) to allow a lawyer representing an indigent client pro bono to provide modest gifts to the client for food, rent, transportation, medicine, and other basic living expenses. Under the proposed new exception, a lawyer would not be permitted to (1) promise, assure or imply the availability of financial assistance before the client retains the lawyer or do so as a means to induce the client to continue the client-lawyer relationship; (2) seek or accept reimbursement from the client or a relative or affiliate of the client; and (3) publicize or advertise a willingness to provide gifts to prospective clients beyond court costs and expenses of litigation in connection with contemplated or pending litigation or administrative proceedings. The proposed exception represents narrow circumstances and none of the concerns raised by the current prohibition is present.

The proposal to add a narrow exception to RPC 1.8(e) reflects the recognition that the COVID-19 pandemic has financially impacted historically marginalized communities and has heightened concerns that vulnerable Pennsylvanians have restricted access to justice. The proposal is in keeping with the legal profession's ongoing efforts to afford access to justice to those in need. With the appropriate limitations in place to mitigate the risk of abuse, lawyers should have the discretion whether to make modest gifts to indigent clients they represent on a pro bono basis without fear of potential discipline.

In making this proposal, the Board notes that in August 2020, the American Bar Association ("ABA") adopted an amendment to Model Rule of Professional Conduct 1.8(e) to permit lawyers to make modest gifts to pro bono clients for necessities.¹ The proposed changes would substantially conform Pennsylvania's RPC 1.8(e) to correspond to the ABA Model Rule.

Interested persons are invited to submit written comments, suggestions or objections by mail, email or facsimile to the Executive Office, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth

¹ Eleven jurisdictions have an exception to the prohibition on financial assistance to clients. See, ABA Report 107.

Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, facsimile number (717-231-3381), email address Dboard.comments@pacourts.us on or before September 27, 2021.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

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:

CLIENT-LAWYER RELATIONSHIP

Rule 1.8. Conflict of Interest: Current Clients: Specific Rules.

* * * * *

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; [and]

(2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client[.]; and

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization, or a lawyer representing an indigent client pro bono through a law school clinical or pro bono program, may provide modest gifts to the client for food, rent, transportation, medicine and other basic living expenses. The lawyer:

(i) may not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;

(ii) may not seek or accept reimbursement from the client, a relative of the client or anyone affiliated with the client; and

(iii) may not publicize or advertise a willingness to provide such gifts to prospective clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

(1) the client gives informed consent;

(2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and

(3) information relating to representation of a client is protected as required by Rule 1.6.

Comment:

* * * * *

Financial Assistance

(10) Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation. These dangers do not warrant a prohibition on a lawyer lending a client court costs and litigation expenses, including the expenses of medical examination and the costs of obtaining and presenting evidence, because these advances are virtually indistinguishable from contingent fees and help ensure access to the courts. Similarly, an exception allowing lawyers representing indigent clients to pay court costs and litigation expenses regardless of whether these funds will be repaid is warranted.

(11) Paragraph (e)(3) provides another exception. A lawyer representing an indigent client without fee, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization, or a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may give the client modest gifts. Gifts permitted under paragraph (e)(3) include modest contributions for food, rent, transportation, medicine and similar basic necessities of life. If the gift may have consequences for the client, including, e.g., for receipt of government benefits, social services, or tax liability, the lawyer should consult with the client about these. See Rule 1.4.

(12) The paragraph (e)(3) exception is narrow. Modest gifts are allowed in specific circumstance where it is unlikely to create conflicts of interest or invite abuse. Paragraph (e)(3) prohibits the lawyer from (i) promising, assuring or implying the availability of financial assistance prior to retention or as an inducement to continue the client-lawyer relationship after retention; (ii) seeking or accepting reimbursement from the client, a relative of the client or anyone affiliated with the client; and (iii) publicizing or advertising a willingness to provide gifts to prospective clients beyond court costs and expenses of litigation in connection with contemplated or pending litigation or administrative proceedings.

(13) Financial assistance, including modest gifts pursuant to paragraph (e)(3), may be provided even if the representation is eligible for fees under a fee-shifting statute. However, paragraph (e)(3) does not permit lawyers to provide assistance in other contemplated or pending litigation in which the lawyer may eventually recover a fee, such as contingent-fee personal injury cases or cases in which fees may be available under a contractual fee-shifting provision, even if the lawyer does not eventually receive a fee.

Person Paying for a Lawyer's Services

[(11)] (14) Lawyers are frequently asked to represent a client under circumstances in which a third person will compensate the lawyer, in whole or in part. The third

person might be a relative or friend, an indemnitor (such as a liability insurance company) or a co-client (such as a corporation sued along with one or more of its employees). Because third-party payers frequently have interests that differ from those of the client, including interests in minimizing the amount spent on the representation and in learning how the representation is progressing, lawyers are prohibited from accepting or continuing such representations unless the lawyer determines that there will be no interference with the lawyer's independent professional judgment and there is informed consent from the client. See also Rule 5.4(c) (prohibiting interference with a lawyer's professional judgment by one who recommends, employs or pays the lawyer to render legal services for another).

[(12)] (15) Sometimes, it will be sufficient for the lawyer to obtain the client's informed consent regarding the fact of the payment and the identity of the third-party payer. If, however, the fee arrangement creates a conflict of interest for the lawyer, then the lawyer must comply with Rule 1.7. The lawyer must also conform to the requirements of Rule 1.6 concerning confidentiality. Under Rule 1.7(a), a conflict of interest exists if there is significant risk that the lawyer's representation of the client will be materially limited by the lawyer's own interest in the fee arrangement or by the lawyer's responsibilities to the third-party payer (for example, when the third-party payer is a co-client). Under Rule 1.7(b), the lawyer may accept or continue the representation with the informed consent of each affected client, unless the conflict is nonconsentable under that paragraph.

Aggregate Settlements

[(13)] (16) Differences in willingness to make or accept an offer of settlement are among the risks of common representation of multiple clients by a single lawyer. Under Rule 1.7, this is one of the risks that should be discussed before undertaking the representation, as part of the process of obtaining the clients' informed consent. In addition, Rule 1.2(a) protects each client's right to have the final say in deciding whether to accept or reject an offer of settlement and in deciding whether to enter a guilty or nolo contendere plea in a criminal case. The rule stated in this paragraph is a corollary of both these Rules and provides that, before any settlement offer or plea bargain is made or accepted on behalf of multiple clients, the lawyer must inform each of them about all the material terms of the settlement, including what the other clients will receive or pay if the settlement or plea offer is accepted. See also Rule 1.0(e) (definition of informed consent). Lawyers representing a class of plaintiffs or defendants, or those proceeding derivatively, may not have a full client-lawyer relationship with each member of the class; nevertheless, such lawyers must comply with applicable rules regulating notification of class members and other procedural requirements designed to ensure adequate protection of the entire class.

Limiting Liability and Settling Malpractice Claims

[(14)] (17) Agreements prospectively limiting a lawyer's liability for malpractice are prohibited unless the client is independently represented in making the agreement because they are likely to undermine competent and diligent representation. Also, many clients are unable to evaluate the desirability of making such an agreement before a dispute has arisen, particularly if they are then represented by the lawyer seeking the agreement. This

paragraph does not, however, prohibit a lawyer from entering into an agreement with the client to arbitrate legal malpractice claims, provided such agreements are enforceable and the client is fully informed of the scope and effect of the agreement. Nor does this paragraph limit the ability of lawyers to practice in the form of a limited-liability entity, where permitted by law, provided that each lawyer remains personally liable to the client for his or her own conduct and the firm complies with any conditions required by law. Nor does it prohibit an agreement in accordance with Rule 1.2 that defines the scope of the representation, although a definition of scope that makes the obligations of representation illusory will amount to an attempt to limit liability.

[(15)] (18) Agreements settling a claim or a potential claim for malpractice are not prohibited by this Rule. Nevertheless, in view of the danger that a lawyer will take unfair advantage of an unrepresented client or former client, the lawyer must first advise such a person in writing of the appropriateness of independent representation in connection with such a settlement. In addition, the lawyer must give the client or former client a reasonable opportunity to find and consult independent counsel.

Acquiring Proprietary Interest in Litigation

[(16)] (19) Paragraph (i) states the traditional general rule that lawyers are prohibited from acquiring a proprietary interest in litigation. Like paragraph (e), the general rule has its basis in common law champerty and maintenance and is designed to avoid giving the lawyer too great an interest in the representation. In addition, when the lawyer acquires an ownership interest in the subject of the representation, it will be more difficult for a client to discharge the lawyer if the client so desires. The Rule is subject to specific exceptions developed in decisional law and continued in these Rules. The exception for certain advances of the costs of litigation is set forth in paragraph (e). In addition, paragraph (i) sets forth exceptions for liens authorized by law to secure the lawyer's fees or expenses and contracts for reasonable contingent fees. The law of each jurisdiction determines which liens are authorized by law. These may include liens granted by statute, liens originating in common law and liens acquired by contract with the client. When a lawyer acquires by contract a security interest in property other than that recovered through the lawyer's efforts in the litigation, such an acquisition is a business or financial transaction with a client and is governed by the requirements of paragraph (a). Contracts for contingent fees in civil cases are governed by Rule 1.5.

Client-Lawyer Sexual Relationships

[(17)] (20) The relationship between lawyer and client is a fiduciary one in which the lawyer occupies the highest position of trust and confidence. The relationship is almost always unequal; thus, a sexual relationship between lawyer and client can involve unfair exploitation of the lawyer's fiduciary role, in violation of the lawyer's basic ethical obligation not to use the trust of the client to the client's disadvantage. In addition, such a relationship presents a significant danger that, because of the lawyer's emotional involvement, the lawyer will be unable to represent the client without impairment of the exercise of independent professional judgment. Moreover, a blurred line between the professional and personal relationships may make it difficult to predict to what extent client

confidences will be protected by the attorney-client evidentiary privilege, since client confidences are protected by privilege only when they are imparted in the context of the client-lawyer relationship. Because of the significant danger of harm to client interests and because the client's own emotional involvement renders it unlikely that the client could give adequate informed consent, this Rule prohibits the lawyer from having sexual relations with a client regardless of whether the relationship is consensual and regardless of the absence of prejudice to the client.

[(18)] (21) Sexual relationships that predate the client-lawyer relationship are not prohibited. Issues relating to the exploitation of the fiduciary relationship and client dependency are diminished when the sexual relationship existed prior to the commencement of the client-lawyer relationship. However, before proceeding with the representation in these circumstances, the lawyer should consider whether the lawyer's ability to represent the client will be materially limited by the relationship. See Rule 1.7(a)(2).

[(19)] (22) When the client is an organization, paragraph (j) of this Rule prohibits a lawyer for the organization (whether inside counsel or outside counsel) from having a sexual relationship with a constituent of the organization who supervises, directs or regularly consults with that lawyer concerning the organization's legal matters.

Imputation of Prohibitions

[(20)] (23) Under paragraph (k), a prohibition on conduct by an individual lawyer in paragraphs (a) through (i) also applies to all lawyers associated in a firm with the personally prohibited lawyer. For example, one lawyer in a firm may not enter into a business transaction with a client of another member of the firm without complying with paragraph (a), even if the first lawyer is not personally involved in the representation of the client. The prohibition set forth in paragraph (j) is personal and is not applied to associated lawyers.

[Pa.B. Doc. No. 21-1375. Filed for public inspection August 27, 2021, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to the Disciplinary Board's Power to Authorize Electronic Means to Conduct Proceedings and Public Access Through Livestream Technology

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania ("Board") is considering recommending to the Supreme Court of Pennsylvania that the Court amend Pennsylvania Rules of Disciplinary Enforcement 205 and 402, as set forth in Annex A.

EXPLANATORY REPORT

Consistent with state courts and agencies in the Commonwealth, during the COVID-19 outbreak the Board has continued its essential operations by conducting hearings, arguments, reprimands and other proceedings remotely through the use of advanced video communication technology. Livestream technology provides public access to public proceedings. Recognizing both that the future is uncertain and that the use of remote proceedings and livestream technology has benefitted the disciplinary system by providing flexibility and greater public access, the Board proposes amendments to Rules 205(c) and 402(j).

Pa.R.D.E. 205(c) enumerates the Board’s powers and duties. The Board’s proposal adds the additional power to authorize electronic means to conduct proceedings within the rules and decisional law of the Court and the Board. While current Rule 402(j) gives the Board, as well as hearing committees, special masters and the Supreme Court, the ability to authorize electronic and photographic means during a proceeding to present evidence, perpetuate the record, or for other judicial administration purposes, the Board determined that it is necessary to solidify its power to authorize electronic means by specifically setting forth that power in Rule 205.

Pa.R.D.E. 402 governs access to disciplinary information and confidentiality. The Board’s proposal amends subdivision (j) to address public access to public proceedings. New subparagraph (j)(2) provides that public access to a public proceeding before a hearing committee, special master or the Board shall consist of or be supplemented by livestream technology. Based on the experience gained over the past 16 months, the Board views the public’s ability to observe livestreamed public proceedings on YouTube as a great benefit. The livestream allows much greater access to disciplinary and reinstatement proceedings, as it affords members of the public the convenience of viewing a proceeding from any location, rather than having to attend a proceeding in-person at one of the district offices in the Commonwealth. The proposed revisions further provide that the livestream access ceases upon the conclusion of the proceeding and the official record of the proceeding is the record generated by the court reporter, if such is applicable.

The use of livestream technology does not prohibit the public from attending proceedings in-person. Proposed subparagraph (j)(3) permits public access to a public proceeding through a request process, which will ensure adherence to any health and safety policies in place at the time of the request. The tandem approach of livestream technology and public access upon request accomplishes reasonable means of access to disciplinary proceedings.

Interested persons are invited to submit written comments, suggestions or objections by mail, email or facsimile to the Executive Office, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, facsimile number (717-231-3381), email address Dboard.comments@pacourts.us on or before September 27, 2021.

By The Disciplinary Board of the Supreme Court of Pennsylvania

JESSE G. HEREDA, Executive Director

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 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

* * * * *

(c) The Board shall have the power and duty:

* * * * *

(16) To decide, through the Board Chair, the Vice-Chair, or a designated lawyer-member of the Board, an interlocutory appeal to the Board when such appeal is permitted by the Enforcement Rules, the Board Rules, or other law.

(17) To authorize the use of electronic means to conduct proceedings before a hearing committee, special master or the Board, in accordance with Board Rules, Enforcement Rules and the decisional law of the Court and the Board.

[(17)] (18) To exercise the powers and perform the duties vested in and imposed upon the Board by law.

(d) The Board shall, to the extent it deems feasible, consult with officers of local bar associations in the counties affected concerning any appointment which it is authorized to make under these rules.

Subchapter D. MISCELLANEOUS PROVISIONS

Rule 402. Access to Disciplinary Information and Confidentiality.

* * * * *

[(j)] (j)(1) This rule does not permit broadcasting, televising, recording or taking photographs during a proceeding under these rules, except that a hearing committee, a special master, the Board or the Supreme Court when conducting a proceeding may authorize the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration.

(2) Public access to a public proceeding before a hearing committee, special master or the Board shall consist of or be supplemented by livestream technology, which access shall cease upon the conclusion of the proceeding. The official record of the proceeding shall be the record generated by the court reporter, as applicable.

(3) A request for in-person access to a public proceeding other than by the parties, their attorneys and reasonably necessary staff shall be made to the Board at least 30 days in advance of the scheduled proceeding.

(k) If a formal proceeding results in the imposition of private discipline or dismissal of all the charges, the proceeding shall cease to be open to the public when the decision to impose private discipline or dismiss the charges becomes final, unless the respondent-attorney requests that the record of the proceeding remain open to the public.

* * * * *

[Pa.B. Doc. No. 21-1376. Filed for public inspection August 27, 2021, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 91 AND 92a]

Water Quality Management and National Pollutant Discharge Elimination System Permit Application and Annual Fees

The Environmental Quality Board (Board) amends Chapters 91 and 92a (relating to general provisions; and National Pollutant Discharge Elimination System permitting, monitoring and compliance) as set forth in Annex A. The amendments to Chapter 91 address permit application and Notice of Intent (NOI) fee requirements for Water Quality Management (WQM) permits and include other clarifications under §§ 91.1, 91.22, 91.27, 91.36 and 91.52. The amendments to Chapter 92a address permit application, NOI, and annual fee requirements for National Pollutant Discharge Elimination System (NPDES) permits and include other clarifications under §§ 92a.26, 92a.32 and 92a.62 (relating to application fees; stormwater discharges; and annual fees).

This final-form rulemaking was adopted by the Board at its meeting of March 16, 2021.

A. *Effective Date*

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

B. *Contact Persons*

For further information contact Sean Furjanic, PE, Environmental Program Manager, Bureau of Clean Water, P.O. Box 8774, Rachel Carson State Office Building, Harrisburg, PA 17105-8774, (717) 787-2137, or Adam Duh, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 783-8261. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board" and navigate to the Board meeting of March 16, 2021).

C. *Statutory Authority*

This final-form rulemaking is authorized under sections 5(b)(1) and 6 of The Clean Streams Law (CSL) (35 P.S. §§ 691.5(b)(1) and 691.6) and section 1920-A of the Administrative Code of 1929 (71 P.S. § 510-20), which authorize the Board to promulgate rules and regulations necessary for the Department to perform its work, including the charging and collecting of reasonable filing fees for applications filed and for permits issued under the CSL.

D. *Background and Purpose*

Water resources of this Commonwealth are among the most abundant in the nation and protecting the quality of these waters requires significant Department resources to administer the NPDES and WQM programs (collectively, "Clean Water Program"). Among all the states in the nation, this Commonwealth ranks in the top five for

number of NPDES-permitted facilities and in the top ten for surface water miles. This Commonwealth has more municipal separate storm sewer system (MS4) NPDES permits and more combined sewer overflows (CSO) than any other state in the country. The Department receives over 2,600 applications and NOIs for NPDES and WQM permits annually for: discharges of sewage, industrial waste, industrial stormwater and municipal stormwater; operation of concentrated animal feeding operations (CAFO); utilization of pesticides; land application of sewage and industrial wastes; and construction of sewage and industrial waste pollution control facilities.

The Department continuously works to improve business processes to reduce the cost of administering the Clean Water Program while maintaining the Department's core responsibility of serving the public by protecting public health and the environment. However, as development needs within this Commonwealth continue to expand, the Department's workload also increases over time.

Under sections 202, 307 and 402(a) of the CSL (35 P.S. §§ 691.202, 691.307 and 691.402(a)), Department permits are required for any discharge of sewage or industrial waste or for any other activity that creates a danger of pollution of waters of this Commonwealth. The CSL also requires approval from the Department prior to the construction of infrastructure that is used to treat or convey sewage and industrial wastes under sections 207 and 308 of the CSL (35 P.S. §§ 691.207 and 691.308).

The Board has promulgated regulations in Chapters 91 and 92a for the Department to administer the programs authorized by the CSL. Chapter 91 establishes a WQM program for sewage and industrial waste construction projects, discharges to groundwater through the land application of sewage and industrial wastes, and the use of pesticides in surface waters. Section 91.22 (relating to fees) provides a fee schedule for WQM permit applications. Most of these fees have not been updated since 1971.

Chapter 92a establishes a permit, monitoring and compliance program for discharges to surface waters of this Commonwealth under the CSL, consistent with the NPDES permitting requirements of section 402 of the Federal Clean Water Act (33 U.S.C.A. § 1342). The Department has been delegated the authority to administer the Federal NPDES permitting program in this Commonwealth by the United States Environmental Protection Agency (EPA) since 1978.

Chapters 91 and 92a authorize the Department to issue individual WQM and NPDES permits with terms and conditions specific to the project, discharge or activity described in the permit application, and to issue general permits for categories of projects, discharges and activities that can be regulated by a standard set of terms and conditions. Persons seeking individual permits submit permit applications, while persons seeking coverage under a general permit submit NOIs.

The Board has established fees for permit applications and NOIs in §§ 91.22 and 92a.26. In addition, in 2010 the Board established an annual NPDES permit fee to aid in funding the cost of the Department's administration of the NPDES program. 40 Pa.B. 5767 (October 9, 2010). The Chapter 91 permit fees were initially promulgated by the Board in 1971 and subsequently amended in

1980 and 2000. See 1 Pa.B. 1804 (September 2, 1971); 10 Pa.B. 4294 (November 7, 1980); and 30 Pa.B. 521 (January 29, 2000).

The NPDES fee schedule for individual NPDES permits remained the same from 1978 until 2010. In 2010, the Board promulgated an updated fee schedule reflecting increased fees for most categories of individual NPDES permits in § 92a.26 and promulgated new annual fees in § 92a.62. 40 Pa.B. 5767. These fee increases provided needed revenue to administer the NPDES program and reduced reliance on general tax revenue to support the NPDES program.

Under both §§ 92a.26 and 92a.62, the Department is required to report to the Board every 3 years on the adequacy of the fees to administer the NPDES program. The report analyzes the fiscal solvency of programs by comparing program funding sources, including fees, with the costs to administer the program. Fee reports may contain recommendations to increase fees to eliminate any identified funding disparities.

On February 18, 2014, the Department presented its first report to the Board under the NPDES permit fee schedules promulgated in 2010. The report documented that the primary sources of revenue to fund the NPDES program were general tax revenue (50%), Federal grants (33%) and permit fees (17%). The analysis also highlighted that NPDES permit fees in this Commonwealth are 50% to 90% lower than surrounding and comparable states for most categories of NPDES permits. On August 21, 2018, the Department presented its second report to the Board, which illustrated similar conditions as the 2014 report.

Based on current staffing and activities, the Department spends approximately \$20 million per year to administer the NPDES program. These funds cover the following activities:

- Inspection and compliance monitoring of NPDES-permitted facilities—36%;
- NPDES permit application/NOI reviews—29%;
- Assessment of surface waters throughout this Commonwealth, including development of Total Maximum Daily Loads (TMDL) to support permitting activities—28%;
- Program management—5%; and
- Program administration—2%.

The Department spends approximately \$1.4 million per year to administer the WQM program, which involves activities similar to the NPDES program, except for surface water assessment. The primary sources of revenue to fund the WQM program are general tax revenue (90%) and permit fees (10%).

The benefits and justifications for the permit fee increases are further explained in section F of this preamble.

The Department's Bureau of Clean Water (BCW), which is responsible for the administration of the Clean Water Program, presented proposed changes to the fees in Chapters 91 and 92a to the Department's Agricultural Advisory Board (AAB) at meetings on: April 28, 2016; June 23, 2016; October 26, 2017; and August 29, 2019. The Department presented this final-form rulemaking to AAB on January 27, 2020, and October 22, 2020.

The BCW presented proposed changes to the fees in Chapters 91 and 92a to the Department's Water Resources Advisory Committee (WRAC) at meetings on:

March 24, 2016; September 21, 2016; and October 25, 2017. This final-form rulemaking was also presented to WRAC on January 30, 2020, and November 19, 2020.

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

This final-form rulemaking is summarized as follows, including modifications the Board has made compared to the proposed rulemaking published at 49 Pa.B. 1518 (March 30, 2019) and 49 Pa.B. 1665 (April 6, 2019).

§ 91.1. Definitions

This final-form rulemaking adds definitions for the terms "major facility," "minor facility" and "small flow treatment facility," which are used in the revisions to § 91.22. The definitions are consistent with the definition of these terms in Chapter 92a. In addition, the reference to § 92.1 in the definition of "CAFO" is updated to § 92a.2 (relating to definitions). No change is made to these definitions from proposed rulemaking to final-form rulemaking.

§ 91.22. WQM permit fees

Subsection (a) currently identifies WQM permit application fees for single residence sewage treatment plants (\$25), sewer extensions (\$100) and other WQM permits (\$500). The existing regulation does not indicate whether these fees apply to different types of permit applications (that is, new, amendment, renewal and transfer). This final-form rulemaking amends subsection (a) to expand the categories of WQM permit applications from 3 to 12, and clarify the fees for the various types of permit applications. These categories are based on an analysis conducted by the Department of the typical complexity and amount of time necessary to review the various WQM permit applications received. These fee categories were also based on the need for the Department to conduct inspections during or following construction of the facilities.

The fee schedule in subsection (a) is amended from the proposed to this final-form rulemaking to reduce the fees for new joint pesticide WQM permits and new manure storage and wastewater impoundment WQM permits. The fee for a new joint pesticide permit has been reduced from the proposed rulemaking from \$500 to \$250. The fee for a new manure storage and wastewater impoundment permit has been reduced from the proposed rulemaking from \$2,500 to \$1,000. The Board understands the need to balance concerns of the regulated community with the need for a robust program to protect water resources within this Commonwealth. Accordingly, this final-form rulemaking has reduced fees from the proposed rulemaking for the previously mentioned WQM permit categories that include or are likely to include large numbers of small businesses and farmers. These revisions were made in response to comments that fees in the proposed rulemaking would negatively impact small businesses and agricultural operations, and the fact that the types of permit applications submitted to the Department by small businesses and agricultural operations are generally less complex and require less effort to process than applications submitted by larger businesses and other applicants. Similarly, inspections of agricultural operations and facilities operated by small businesses to evaluate compliance with permit terms and conditions typically require less time compared with facilities operated by larger businesses or other applicants.

Subsection (b) currently establishes a ceiling of \$500 for general WQM permit NOI fees. The Board is amending this subsection to remove this ceiling and replace it with a requirement that NOI fees for general WQM permits

may not exceed the amount established for individual WQM permit application fees for equivalent projects. No change is made to this subsection from the proposed rulemaking to this final-form rulemaking.

Subsection (c) in the proposed rulemaking provided authorization to the Department to adjust WQM permit application fees every 2 years based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation (ECI), as necessary to meet the costs of administering the State-wide Clean Water Program. The Board received numerous comments questioning the statutory authority for this provision and offering concerns that the public would not have an opportunity to comment on fee increases in the future. While the Department maintains it has statutory authority for this provision, the Board has elected to remove the provision from this final-form rulemaking.

Subsection (c) of this final-form rulemaking (subsection (d) of the proposed rulemaking) requires the Department to review the adequacy of WQM permit fees every 3 years and provide to the Board a written report identifying disparities between the amount of program income generated by the fees and the costs to administer the program, along with recommendations to increase fees to eliminate any disparities. This provision is similar to an existing provision for NPDES permit fees in § 92a.26(h). The only change from the proposed rulemaking to this final-form rulemaking is the subsection designator.

Subsection (d) of this final-form rulemaking (subsection (e) of the proposed rulemaking) allows the Department to enter into an agreement with any Federal or Commonwealth agency or independent Commonwealth commission to provide an alternative funding mechanism for the WQM program rather than the payment of the fees established in § 91.22. This subsection is amended from the proposed rulemaking to provide the opportunity for financially distressed municipalities, as determined by the Department of Community and Economic Development (DCED) under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712), to be exempted from WQM permit application fees.

§ 91.27. *General WQM permit*

The reference to Chapter 92 is amended to Chapter 92a. No change is made to this section from the proposed rulemaking to this final-form rulemaking.

§ 91.36. *Pollution control and prevention at agricultural operations*

The references to § 92.5a and (e)(1)(i) (relating to prohibitions) are amended to § 92a.29 and (e)(1)(i) (relating to CAFO), respectively. No change is made to this section from the proposed rulemaking to this final-form rulemaking.

§ 91.52. *Procedural requirements for underground disposal*

The reference to Chapter 92 is amended to Chapter 92a. No change is made to this section from the proposed rulemaking to this final-form rulemaking.

§ 92a.26. *NPDES permit application fees*

Subsection (a) is amended to require payment of NPDES permit application fees to the “Commonwealth of Pennsylvania” rather than the “Clean Water Fund” consistent with the Commonwealth’s fiscal management policies. This subsection is further modified to clarify that for fees based on the annual average design flow of a facility, the design flows of all discharges from the facility are

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

Subsection (b) is amended to combine the provisions currently in subsections (b)—(d) and subsections (c) and (d) are reserved. This subsection addresses permit application fees for new individual NPDES permits and the reissuance of individual NPDES permits associated with mining activity. Due to corresponding amendments to the annual fee provisions in § 92a.62 (discussed further as follows), subsection (b) removes reissuance fees for all NPDES permits except for mining permits. The facility categories remain the same except that a new category for “pesticides” is added. The fees are based on an analysis of the Department’s costs to review the various types of permit applications and the Department resources required for ongoing inspections and compliance monitoring of permitted facilities.

The fee schedule for new NPDES permit applications in subsection (b) has been modified from the proposed rulemaking to this final-form rulemaking in response to concerns from small businesses and agricultural operations. The Board understands the need to balance concerns of the regulated community with the need for a robust program to protect water resources within this Commonwealth. Accordingly, this final-form rulemaking has reduced fees from the proposed rulemaking for categories of NPDES permits that include or are likely to include large numbers of small businesses and farmers. The fees for new individual NPDES permit applications have decreased for the following fee categories:

- Small Flow Treatment Facility—from \$1,000 to \$500;
- Minor Sewage Facility < 0.05 million gallons per day (MGD)—from \$1,500 to \$1,000;
- Minor Industrial Waste Facility not covered by effluent limitations guideline (ELG)—from \$5,000 to \$3,000;
- Minor Industrial Waste Facility covered by ELG—from \$7,500 to \$6,000;
- Industrial Stormwater—from \$5,000 to \$3,000; and
- CAFO—from \$3,000 to \$500.

These revisions were made in response to comments that fees in the proposed rulemaking would negatively impact small businesses and agricultural operations, and the fact that the types of permit applications submitted to the Department by small businesses and agricultural operations are generally less complex and require less effort to process than applications submitted by larger businesses and other applicants. Similarly, inspections of agricultural operations and facilities operated by small businesses to evaluate compliance with permit terms and conditions typically require less time compared with facilities operated by larger businesses or other applicants.

Subsection (e) addresses fees associated with individual NPDES permit transfers. This final-form rulemaking does not change the fees for the transfer of most individual NPDES permits. This subsection clarifies that transfer fees apply to individual NPDES permits for CAFOs, MS4s and Concentrated Aquatic Animal Production (CAAP) facilities, as well as other types of individual NPDES permits.

In the proposed rulemaking, subsection (e) included a \$500 fee for an application to transfer an individual NPDES CAFO permit; in this final-form rulemaking, this fee has been reduced to \$200. This revision was made in response to comments that fees in the proposed rule-

making would negatively impact small businesses and agricultural operations, and the fact that the types of permit applications submitted to the Department by small businesses and agricultural operations are generally less complex and require less effort to process than applications submitted by larger businesses and other applicants. Similarly, inspections of agricultural operations and facilities operated by small businesses to evaluate compliance with permit terms and conditions typically require less time compared with facilities operated by larger businesses or other applicants.

Subsection (f) addresses fees associated with amendments of individual NPDES permits, and includes new, lower fees for minor amendments to individual NPDES permits for single residence sewage treatment plants (SRSTP) and small flow treatment facilities (SFTF), as the current fee for minor amendments to these permits exceeds or is not in proportion with the fees for SRSTP and SFTF permit applications for new permits. This subsection also establishes that major amendment fees are the same as the annual fees for corresponding facility or activity categories in § 92a.62. Currently, major amendment fees are the same as permit reissuance fees, but with the elimination of reissuance fees from § 92a.26(b) (except for mining activity permits), major amendment fees are set equivalent to annual fees for the corresponding facility or activity categories. No change is made to this subsection from the proposed rulemaking to this final-form rulemaking.

As part of the proposed rulemaking, the Board proposed to modify subsection (g) by removing the cap of \$2,500 on NPDES general permit NOI fees and specifying that NOI fees cannot exceed application fees and annual fees associated with individual permits for the equivalent activity. Upon review of this provision in the proposed rulemaking, the Board determined that this change would likely cause confusion and present difficulties in implementation because of the differences in fee structures for individual and general permits. To simplify this subsection, the Board is reverting this final-form rulemaking to the original language, as promulgated in 2010, whereby NOI fees are capped at a specific dollar amount, but the Board is increasing the cap from \$2,500 to \$5,000. This change does not, in itself, increase any NPDES general permit NOI fees. NOI fees are established as part of a general permit. Any changes to NPDES general permit NOI fees are subject to public comment as required under § 92a.86 (relating to notice of issuance or final action on a permit), and will be considered as NPDES general permits come up for renewal. This subsection also requires payment of the annual increment of the NOI fee to obtain coverage under a general permit when the general permit allows payment of the NOI fee in annual increments; this provision is unchanged from the proposed to this final-form rulemaking. For example, if an NOI fee is \$1,000 and the general permit allows annual incremental payments of \$200 over a 5-year term of the general permit, a person seeking coverage under the general permit would be required to submit a payment of \$200 with the NOI.

Subsection (f) in the proposed rulemaking provided authorization to the Department to adjust NPDES permit application fees every 2 years based on the United States Bureau of Labor Statistics ECI as necessary to meet the costs of administering the Statewide Clean Water Program. While the Department maintains it has statutory authority for this provision, the Board has elected to remove this subsection from this final-form rulemaking.

Subsection (i) of this final-form rulemaking (subsection (h) of the proposed rulemaking) has been amended from the proposed rulemaking, similar to § 91.22(d) of this final-form rulemaking, to provide the opportunity for financially distressed municipalities, as determined by DCED under the Municipalities Financial Recovery Act, to be exempted from NPDES permit application fees.

§ 92a.32. Stormwater discharges

Subsection (b) codifies and clarifies the existing process of how to submit a “No Exposure Certification” application and fee, wherein an applicant is required to submit the appropriate permit application or NOI, including the appropriate application or NOI fee, and a “No Exposure Certification” on forms available from the Department at least once every 5 years. No change is made to this subsection from the proposed rulemaking to this final-form rulemaking.

Subsection (c) codifies and clarifies the existing process for how to submit a waiver from NPDES permit requirements for small MS4 operators, wherein an applicant is required to submit to the Department the appropriate permit application or NOI, the appropriate permit application or NOI fee, and an application for the waiver on forms available from the Department at least once every 5 years. No change is made to this subsection from the proposed rulemaking to this final-form rulemaking.

By specifying what information applicants must include in permit applications and NOIs, the amendments to § 92a.32 aim to support more timely permit decisions by improving the quality of applications and NOIs submitted to the Department. Specifically, this final-form rulemaking clarifies which forms must be completed and which fees must be submitted by those seeking No Exposure Certification and waivers for MS4 NPDES permits.

§ 92a.62. NPDES annual fees

Similar to § 92a.26(a), subsection (a) is amended: to require payment of NPDES permit annual fees to the “Commonwealth of Pennsylvania” rather than the “Clean Water Fund” consistent with the Commonwealth’s fiscal management policies; and to clarify that for fees based on the annual average design flow of a facility, the design flows of all discharges from the facility are totaled. This subsection is amended to change the due date of the annual fee for individual NPDES permits, such that the annual fee is the effective date of the last permit issuance or reissuance for permits issued before this final-form rulemaking becomes effective and is the effective date of the initial permit for permits issued after this final-form rulemaking becomes effective. For example, if an individual NPDES permit was last reissued with an effective date of June 1, 2017, as of the effective date of this final-form rulemaking, the annual fee for the permit would be due each year on June 1, regardless of the effective date of future reissued permits. If an individual NPDES permit is issued on September 1, 2021, the annual fee for the permit would be due each year on September 1. In conjunction with this amendment, and as previously discussed for § 92a.26(b), permit reissuance fees are deleted for all NPDES permits that had annual fees. This subsection currently provides that annual fees for NPDES permits are due on the anniversary of the effective date of the permit, a date which often changes each permit renewal cycle. The amendment to this subsection should ease the administrative burden on permittees and on the Department by setting one annual fee due date for the life of each individual NPDES permit.

The amendment to this subsection also makes reissuance fees unnecessary for most individual NPDES permits. No change is made to this subsection from proposed to this final-form rulemaking.

Subsection (b) is amended to combine current subsections (b)—(d), which address annual fees for facilities with individual NPDES permits. The facility and activity categories associated with NPDES permit annual fees remain the same as the existing regulation, except that a new categories for “pesticides” and “stormwater associated with construction activities” have been added. The amended annual fees are based on the typical complexity and amount of effort necessary for the Department to review NPDES permit applications for each category of facility or activity and the resources the Department dedicates to ongoing inspections and compliance monitoring of permitted facilities and activities. Subsections (c) and (d) are reserved.

The NPDES permit annual fees for some categories of facilities in subsection (b) of this final-form rulemaking have been amended from the proposed rulemaking in response to concerns from small businesses and agricultural operations. Annual fees have decreased for the following categories of facilities:

- Small Flow Treatment Facility—from \$500 to \$250;
- Minor Sewage Facility < 0.05 MGD—from \$750 to \$500;
- Minor Industrial Waste Facility not covered by ELG—from \$2,500 to \$1,500;
- Minor Industrial Waste Facility covered by ELG—from \$3,750 to \$3,000;
- Industrial Stormwater—from \$2,500 to \$1,500; and
- CAFO—from \$1,500 to \$500.

These revisions were made in response to comments that fees in the proposed rulemaking would negatively impact small businesses and agricultural operations, and the fact that the types of permit applications submitted to the Department by small businesses and agricultural operations are generally less complex and require less effort to process than applications submitted by larger businesses and other applicants. Similarly, inspections of agricultural operations and facilities operated by small businesses to evaluate compliance with permit terms and conditions typically require less time compared with facilities operated by larger businesses or other applicants.

Subsection (c) in the proposed rulemaking provided authorization to the Department to adjust NPDES permit annual fees every 2 years based on the United States Bureau of Labor Statistics ECI as necessary to meet the costs of administering the Statewide Clean Water Program. While the Department maintains it has statutory authority for this provision, the Board has elected to delete this subsection from this final-form rulemaking.

Subsection (f) of this final-form rulemaking (subsection (e) of the proposed rulemaking) has been amended from the proposed rulemaking, similar to § 91.22(d) and § 92a.26(g) of this final-form rulemaking, to provide the opportunity for financially distressed municipalities, as determined by DCED under the Municipalities Financial Recovery Act, to be exempted from NPDES permit annual fees.

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

The Board received comments and questions from 157 different individuals and organizations during the

comment period, including testimony from one organization at a public hearing held on May 1, 2019. Comments and questions received included collective comments from 2 groups: 69 state legislators and 55 individuals representing the agricultural sector. The following summarizes the overarching comments and the Board’s actions in response. A comment and response document has been developed for this final-form rulemaking that provides a full account of public comments and the Department’s responses.

Legislative commenters believe that the draft rulemaking deviates from the legislative intent of the CSL and the regulatory authority granted to the Board to allow for reasonable fees for applications filed and permits issued. They state it was never the intent of the legislature to fund a sizeable portion of the Clean Water Program from these fees.

The Board disagrees. The General Assembly gave the Board the power and duty to adopt regulations to, among other things, implement the declaration of policy set forth in section 4 of the CSL. 35 P.S. § 691.5(a). The General Assembly expressly stated that the “. . . objective of the [CSL] [is] not only to prevent further pollution of the waters of the Commonwealth, but also to reclaim and restore. . . every stream in Pennsylvania. . . .” 35 P.S. § 691.4(3). Moreover, the General Assembly found that “[t]he prevention and elimination of water pollution is recognized as being directly related to the economic future of the Commonwealth.” 35 P.S. § 691.4(4). The fee regulations fit directly within the statutory grant of authority given to the Board and Department. Without adequate financial resources, the Department’s mission is at risk and the requirements of the CSL cannot be fulfilled. The legislature provided the Department the authority to charge “reasonable filing fees for applications filed *and for permits issued.*” 35 P.S. § 691.6 (Emphasis added). The plain language of the statute authorizes the Department to charge fees designed to cover the costs associated with 1) applications for permits and 2) permits that have been issued. This authorization allows the Department to meet its statutory obligations in relation to permits issued, including, but not limited to, inspection and enforcement activities.

The Board believes that the interpretation advanced by the commenters would relegate the Department to an administrator of permits without any responsibility to monitor compliance or take enforcement action. That was not the intent of General Assembly when the CSL was passed. Section 5 of the CSL gives the Department explicit statutory duties and authority to modify, suspend, limit, renew or revoke permits as well as act on complaints, conduct inspections and issue orders. 35 P.S. § 691.5. The General Assembly intended for the CSL to be a comprehensive statute to address water pollution throughout this Commonwealth. Many of those activities go beyond the mere issuance of permits and includes enforcement, monitoring activities and the abatement of nuisances after permits are issued.

The Board promulgated annual fees for NPDES permits for the first time under Chapter 92a in 2010. 40 Pa.B. 5767. These annual fees were established under section 6 of the CSL (that is, fees for permits issued), and support the activities of the Department to uphold its other responsibilities under the CSL related to permits issued and not solely for the processing of permit applications filed. Additionally, the Administrative Code of 1929 (71 P.S. § 510-20) authorizes the Board to promulgate rules and regulations necessary for the proper performance of the work of the Department.

The Board has not modified this final-form rulemaking based on comments of this nature.

Some legislative commenters say that the amount of the fee increases is inconsistent with the legislative directive that fees be reasonable and will impose a hardship particularly on small businesses and farmers.

The Board believes that the fees are reasonable and similar to the fees charged by other state environmental agencies for equivalent permits. The Regulatory Analysis Form (RAF) and comment and response document for this final-form rulemaking provide comparisons that show most of this Commonwealth's fees under Chapters 91 and 92a will continue to be less than those of neighboring and comparable states for similar permits. Nevertheless, the Board understands the need to balance concerns of the regulated community with the need for a robust program to protect water resources within this Commonwealth. Accordingly, this final-form rulemaking has reduced fees from the proposed rulemaking for categories of WQM and NPDES permits that include or are likely to include large numbers of small businesses and farmers. The changes in the WQM and NPDES permit fee schedules for this final-form rulemaking will result in a maximum possible increase in annual revenue of \$6.5 million, as compared with the \$8 million maximum possible increase in the proposed rulemaking.

Legislative commenters say that if the Department wants the source and method of their funding to be changed, they must present to the Legislature their proposal to change the statute. Until then, the program must abide by the current fee structure designed by the statute.

The Board disagrees. The assertion that the legislature only intended the fees authorized by section 6 of the CSL to cover a fraction of the program's costs is unsupported. The statutory language is not limited to establishing fees to cover the cost of processing permit applications alone. The General Assembly gave the Department comprehensive authority to protect public health and the environment under the CSL. This authority not only includes the issuance of permits, but monitoring compliance, and enforcement of those permit limits. Nevertheless, under the proposed rulemaking, fees would have continued to constitute only a fraction of the program's costs. Under the proposal, fees would have contributed approximately 39% of the program's needs, up from approximately 18%. With the permit fee decreases made as part of this final-form rulemaking that fraction from the fees will decrease.

Some legislative commenters believe the fee increase amounts to a tax.

The Board disagrees. The courts of this Commonwealth describe taxes as "revenue-producing measures authorized under the taxing power of the government" and fees as "regulatory measures intended to cover the cost of administering a regulatory scheme authorized under the police power of the government." *City of Philadelphia v. Southeastern Pennsylvania Transp. Auth.*, 303 A.2d 247, 251 (1973). Based on Pennsylvania Supreme Court case law, this rulemaking is raising fees to cover the costs of a regulatory program and not revenue producing measures that go into the General Fund.

The Independent Regulatory Review Commission (IRRC) asks the Board to work with all parties with an interest in this final-form rulemaking, particularly the Committee and members of the Legislature, to create a regulatory environment that is consistent with the intent

of the General Assembly, fair to the regulated community and protective of this Commonwealth's natural resources.

The Board appreciates this comment and has attempted to resolve concerns of those having an interest in this final-form rulemaking. The Board understands concerns about the impact of increased permit fees on the regulated community. The fee increases in this final-form rulemaking aim to ensure that the Department has sufficient resources to protect the health and safety of the public, to protect this Commonwealth's water resources, and to meet other State and Federal obligations while fairly and equitably distributing the cost to administer the Clean Water Program among the regulated community.

IRRC is concerned that instead of fulfilling government's role of supporting local businesses and communities in this Commonwealth, this regulation would hurt many of those who can least afford it.

The Board reduced fees in this final-form rulemaking for categories of permits that include or are likely to include large numbers of small businesses and farmers. However, without the fee increases in this final-form rulemaking, the Department will be less able to issue businesses in this Commonwealth timely permits that are required to conduct their business in a manner protective of public health and the environment. The lack of adequate resources will also reduce enforcement and monitoring activities that may result in more polluted waterways thereby impacting the quality of life in this Commonwealth, which may make this Commonwealth a less attractive place to start and run a business or raise a family. Finally, insufficient resources may result in the Department losing Federal approval to issue certain permits, which would likely also result in longer delays for business operations.

Commenters say that the Department does not have the statutory authority to automatically adjust fees every 2 years and doing so would circumvent the public participation process for fee increases.

While the Department maintains it has statutory authority for the provision in the proposed rulemaking to automatically adjust fees to account for inflation, the Board has elected to remove this provision from this final-form rulemaking.

Some commenters are concerned that the fiscal impact to municipalities would be significant with local governments bearing an estimated \$2 million of the \$8 million of new fees.

The Board has established an additional exemption to fees under Chapters 91 and 92a in this final-form rulemaking. Municipalities that are designated as financially distressed by DCED under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712), may be exempted from fees. Municipalities that provide evidence of this current designation will be exempted.

One commenter says that as it relates to the sufficiency of existing resources and staff, it is not clear how the Board arrived at its desired increase of staff complement that would be hired with the finalization of this proposal.

The Board notes that the workload analysis that was completed by the Department to justify the proposed fee increases was included as an attachment to the RAF submitted for the proposed rulemaking. Following completion of the workload analysis, an evaluation of the fiscal health of the Clean Water Fund has revealed that it is unlikely that the Department will be able to support all

of the positions necessary to fulfill all of the Clean Water Program's responsibilities. In other words, the new revenues under this final-form rulemaking will primarily go toward ensuring the Department is able to maintain its current level of activities and staffing. The Department has and will continue to investigate and implement procedures to streamline reviews when authorized under State and Federal law.

Another commenter believes that before expanding an already inefficient system, any changes to the administration of the NPDES and WQM programs should instead prioritize efficiency gains within the existing program framework.

The Board finds that the Department's workload analysis determined that the Department has most of the permit application reviewers that it needs to effectively and timely review permit applications but is lacking primarily in other positions such as inspectors, compliance specialists and biologists. As a result of the Department's Permit Decision Guarantee/Permit Review Process policy, the development of standard operating procedures, and other streamlining measures, the Department has improved its permit review times for NPDES and WQM permits over the past decade.

G. Benefits, Costs and Compliance

Benefits

The fee increases proposed in this final-form rulemaking are necessary for the Department to administer the WQM and NPDES programs in Chapters 91 and 92a, respectively, and to implement the CSL as well as the Federal NPDES program delegated to the Department under the Clean Water Act. These programs are essential to the compelling public interest of preventing and eliminating pollution of the waters of this Commonwealth, promoting both public health and economic benefits.

WQM and NPDES permits help lower rates of acute and chronic illnesses in citizens by reducing the occurrence of pathogens, nutrients and other contaminants in the waterways of this Commonwealth. Citizens may come into contact with these pollutants through drinking improperly treated water, recreational activities or consuming tainted food sources. High levels of some pathogens like *E. coli* can cause illness if accidentally consumed during recreational activities, by eating contaminated food or from drinking improperly treated water. Nutrient pollution can facilitate the occurrence of harmful algal blooms, which may produce toxic compounds that harm recreational water users and render drinking water sources unusable during the duration of a bloom. Nutrient pollution is also known to impact downstream waters such as the Chesapeake Bay. Other contaminants like heavy metals can accrue in fish tissue and cause sickness in people who consume the contaminated fish. This list of examples is not exhaustive of the types and causes of illnesses that can be associated with polluted waters. Preservation of public health is a standalone benefit of environmental regulation, but it also provides economic benefits. While it is difficult to assign a specific monetary value to the prevention of acute and long-term illnesses or disease by improving and protecting water quality, healthier citizens are able to work, are more productive and live longer lives, all of which provide positive economic effects.

This Commonwealth derives other economic benefits from the proper administration of the WQM and NPDES programs, including reduced costs to treat drinking water, increased property values, job creation, increased fishery

resources and recreation, and enhanced aquatic habitat available to support the diverse species that depend on clean water. Additionally, healthy watersheds help to avoid expensive restoration activities, reduce vulnerability to natural disasters and maintain natural ecosystems that provide water treatment at far lower costs than can be achieved through human-engineered services. For more information about the economic benefits of effectively managing water resources, see the EPA document, "The Economic Benefits of Protecting Healthy Watersheds," available on EPA's "Benefits of Healthy Watersheds" web site at www.epa.gov/hwp/benefits-healthy-watersheds.

The WQM and NPDES permit fees in this final-form rulemaking will provide the Department with resources to effectively administer the Clean Water Program in service of protecting the quality of water resources within this Commonwealth without any increases in the appropriation of general tax revenue to the Department. The Board acknowledges that the fees in this final-form rulemaking impose costs on some regulated entities, but the Board also notes that the Department's effective administration of the Clean Water Program comprises an important part of the social contract that regulated entities rely on to operate in a way that minimizes negative impacts to public health and the environment. The Board also notes that instead of collecting a large up-front fee to support the Department's water pollution control efforts, this final-form rulemaking is structured to fairly spread WQM and NPDES permit fees among permit applications and annual fees, as applicable, to ease the burden on the regulated community. The Board also underscores that, despite the fee increases in this final-form rulemaking, the Commonwealth's WQM and NPDES permit fees will still be less than the fees in many comparable states for similar permits.

The administration of the Clean Water Program involves many activities including permit application reviews, inspections, enforcement, surface water assessments and related activities such as the development and implementation of Federally required TMDLs.

Under the Federal Clean Water Act, the Department is required to develop and maintain this Commonwealth's water quality standards. 33 U.S.C.A. § 1313. Water quality standards are established to protect human health, aquatic life and to ensure protection of water uses as defined in Chapter 93 (relating to water quality standards) including water supply and recreational uses. Department-issued permits must ensure adherence to water quality standards and to State and Federal technology-based standards. Department-issued WQM permits assure that appropriate engineering standards are applied to prevent pollution to waters of this Commonwealth.

As part of its grant agreement under section 106 of the Clean Water Act (33 U.S.C.A. § 1256) the EPA requires the Department to monitor and assess surface waters to determine if the waters are meeting their designated uses. The Department performs this monitoring and assessment in a variety of ways including biological sampling, chemical sampling and evaluation of aquatic habitats. Monitoring and assessment of this Commonwealth's surface waters helps the Department assure that this Commonwealth has appropriate water quality standards in place and has issued effective permits to protect public health and the environment. Water quality monitoring and assessment are foundational components of the water resource management programs implemented by the Department.

Other benefits associated with this final-form rule-making include:

- The opportunity to fill existing vacant staff positions and additional resources to provide the regulated community with more timely permit application reviews, which will be beneficial to owners and operators of new facilities desiring permits as expeditiously as possible.
- The opportunity to fill existing vacant staff positions and additional resources to support more thorough reviews of impacts proposed and existing permitted facilities and activities may have on public health and the environment, and a greater presence of Department staff in the field to conduct inspections and compliance monitoring of permitted facilities and activities. These Department services benefit the public by providing a greater level of protection for waters of this Commonwealth. The regulated community benefits from these Department services through enhanced compliance assistance before enforcement is considered. The Department prefers to work with the regulated community to promote compliance. Compliance assistance can reduce expenses for permittees while ensuring adequate protection of human health and the environment.
- The opportunity to fill existing vacant staff positions and additional resources to evaluate existing programs, policies, guidance and regulation to assess what is and what is not working well for the public, the regulated community and the Department, and to make necessary changes more expeditiously. The Department is aware of some areas of the Clean Water Program that could be improved or enhanced to, for example, make permit processes less onerous and save applicants time and money. A staffing increase in the Department's BCW is necessary to complete this work.
- Increased revenue to support the Department's efforts to expand electronic solutions to improve business efficiency.

The Department believes that these benefits will result in cost savings to the regulated community although these savings are difficult to quantify.

Compliance costs

The operators of approximately 4,000 facilities in this Commonwealth with individual NPDES permits will be affected by this final-form rulemaking. Certain categories of facilities will be subject to little or no fee increase, while other categories of facilities would be subject to more significant increases, based on the nature and complexity of these facilities and the permit applications they submit to the Department.

On average, between 500 and 600 owners and operators of water pollution control facilities (such as, persons proposing to construct or modify sewage treatment facilities, sewer lines or wastewater pump stations) apply to the Department each year for a WQM permit; these persons will be subject to WQM permit application fee increases under this final-form rulemaking.

The total increase in WQM and NPDES permit fees for these facilities is anticipated to be approximately \$4.5 million in the first year following the effective date of this final-form rulemaking. Persons applying for new NPDES and WQM permits will be subject to the amended fees immediately. Persons with existing NPDES permits will not be subject to the amended fees until an annual fee is due. Persons with existing WQM permits will not be subject to the amended fees unless an amendment, transfer or renewal of the WQM permit is desired.

Not included in the preceding cost estimates are costs associated with coverage under general WQM and NPDES permits. The Department could propose increased NOI fees for general permits in the future: for WQM general permits, to a level not to exceed the application fee for an equivalent WQM individual permit; and, for NPDES general permits, not to exceed \$5,000. If the Department were to increase NOI fees for general WQM and NPDES permits, these fees could affect up to 5,700 additional facilities with general permit coverage and collectively cost the owners or operators of these facilities up to an additional \$2 million annually. Any increase in NOI fees for general NPDES or WQM permits would be proposed at the time each general permit is drafted for renewal. Each draft general permit is published in the *Pennsylvania Bulletin* for public comment, as required by § 91.27 (relating to general water quality management permit) for WQM general permits and § 92a.84 (relating to public notice of general permits) for NPDES general permits.

While the costs to comply with this final-form rule-making could total up to \$6.5 million annually across 10,300 NPDES-permitted and WQM-permitted facilities, the Board expects that the net costs will be much lower considering the benefits described previously and the fact that NOI fees for every general permit may not increase to the maximum amount allowable under this final-form rulemaking.

Compliance assistance plan

The Department will develop and post to its web site information describing changes to the WQM and NPDES fee schedules and include information on these changes within annual fee invoices mailed to permittees.

Paperwork requirements

The final-form amendments to Chapters 91 and 92a clarify existing processes but do not add to or change the existing paperwork requirements for the submission of WQM and NPDES permit applications and NOIs or the submission of annual fee payments to the Department. It is noted that the Department has launched an electronic payment system for annual fees, which reduces paperwork.

H. *Pollution Prevention* (if applicable)

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This regulation has incorporated the following pollution prevention incentives:

Certain sectors of facilities may be able to avoid paying annual fees when pollution prevention measures are employed. For example, industrial sites that are required to apply for and obtain NPDES permits for stormwater discharges associated with industrial activity may qualify for a No Exposure Certification approval instead of a permit, if most products and materials are stored in storm-resistant shelters.

I. *Sunset Review*

The Board is not establishing a sunset date for these regulations, because they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 12, 2019, the Department submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 1518 (March 30, 2019) and a corrective amendment at 49 Pa.B. 1665 (April 6, 2019), to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

On May 4, 2021, the House Environmental Resources and Energy Committee issued a disapproval notification of this final-form rulemaking, triggering a 14-day review period after IRRC consideration of the rulemaking under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)). Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 20, 2021, and approved the final-form rulemaking. The House Environmental Resources and Energy Committee did not take action during the 14-day review period after receiving IRRC's order on May 20, 2021. Therefore, under section 5.1(j.2) of the Regulatory Review Act, on June 3, 2021, the final-form rulemaking was deemed approved by the House and Senate Committees and this final-form regulation may be promulgated.

K. *Findings of the Board*

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law, and all comments were considered.
- (3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 49 Pa.B. 1518 and 49 Pa.B. 1665.
- (4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this order.

L. *Order of the Board*

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

- (a) The regulations of the Department, 25 Pa. Code Chapters 91 and 92a, are amended by amending §§ 91.1, 91.22, 91.27, 91.36, 91.52, 92a.26, 92a.32 and 92a.62 to read as set forth in Annex A.

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

(c) The Chairperson of the Board shall submit this final-form regulation to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

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

PATRICK McDONNELL,
Chairperson

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

Fiscal Note: Fiscal Note 7-533 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 91. GENERAL PROVISIONS

GENERAL

§ 91.1. Definitions.

* * * * *

*CAFO—Concentrated animal feeding operation—*An agricultural operation that meets the criteria established by the Department in § 92a.2 (relating to definitions).

* * * * *

*General water quality management permit or general permit—*A water quality management permit that is issued for a clearly described category of wastewater treatment facilities, which are substantially similar in nature.

*Major facility—*The term as defined in § 92a.2.

Manure—

(i) Animal excrement, including poultry litter, which is produced at an agricultural operation.

(ii) The term includes materials such as bedding and raw materials which are commingled with that excrement.

* * * * *

*Manure storage facility—*A permanent structure or pond, a portion of a structure or pond, or a group of structures or ponds at one agricultural operation, utilized for the purpose of containing manure or agricultural process wastewater. This includes concrete, metal or other fabricated tanks and underbuilding structures, as well as earthen and synthetically-lined manure storage ponds.

Minor facility—The term as defined in § 92a.2.

NOI—Notice of Intent—A complete form submitted as a request for general water quality management permit coverage.

* * * * *

Single residence sewage treatment plant—A system of piping, tanks or other facilities serving a single family residence located on a single family residential lot which

collects, disposes and treats solely direct or indirect sewage discharges from the residences into waters of this Commonwealth.

Small flow treatment facility—The term as defined in § 92a.2.

Stormwater—Runoff from precipitation, snow melt runoff and surface runoff and drainage.

* * * * *

APPLICATIONS AND PERMITS

§ 91.22. Fees.

(a) Applications for new individual water quality management permits, reissuance of individual water quality management permits, and requests for permit amendments and transfers shall be accompanied by a fee payable to “Commonwealth of Pennsylvania” in the amounts specified as follows.

<i>Category</i>	<i>Application Type</i>	<i>Fee</i>
Joint Pesticides Permit	New and Reissuance	\$250
	Amendment	\$100
	Transfer	\$50
Major Sewage Treatment Facility	New	\$10,000
	Amendment	\$2,000
	Transfer	\$250
Major Industrial Waste Treatment Facility	New	\$15,000
	Amendment	\$2,000
	Transfer	\$500
Minor and Non-NPDES Sewage Treatment Facility	New	\$5,000
	Amendment	\$500
	Transfer	\$250
Minor and Non-NPDES Industrial Waste Treatment Facility	New	\$7,500
	Amendment	\$500
	Transfer	\$250
Single Residence Sewage Treatment Plant	New	\$200
	Amendment	\$100
	Transfer	\$50
Small Flow Treatment Facility	New	\$1,000
	Amendment	\$200
	Transfer	\$100
Sewer Extensions	New	\$2,500
	Amendment	\$500
	Transfer	\$250
Pump Station	New	\$2,500
	Amendment	\$500
	Transfer	\$250
Land Application and Reuse of Sewage	New and Reissuance	\$5,000
	Amendment	\$1,000
	Transfer	\$250
Land Application and Reuse of Industrial Waste	New and Reissuance	\$10,000
	Amendment	\$2,000
	Transfer	\$250
Manure Storage and Wastewater Impoundment	New	\$1,000
	Amendment	\$500
	Transfer	\$250

(b) NOI fees for coverage under a general water quality management permit, including fees for amendments to and transfers of general permit coverage, shall be made payable to the "Commonwealth of Pennsylvania." The fees for a general permit in § 91.27(b)(1) (relating to general water quality management permit) will be established in the general permit. NOI fees may not exceed the individual permit application fees in subsection (a) for the equivalent category and application type.

(c) The Department will review the adequacy of the fees established in this section every 3 years and provide a written report to the EQB. The report will identify disparities between the amount of program income generated by the fees and the costs to administer the program, and contain recommendations to increase fees to eliminate any disparities, including recommendations for regulatory amendments to increase program fees.

(d) Any Federal or Commonwealth agency or independent Commonwealth commission that provides funding to the Department for the implementation of the WQM program through terms and conditions of a mutual agreement and any municipality that is currently designated as a financially distressed municipality by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712) may be exempt from the fees in this section.

§ 91.27. General water quality management permit.

* * * * *

(c) *Denial of coverage.* The Department may deny coverage under the general permit when one or more of the following conditions exist:

- (1) The NOI is not complete or timely.
- (2) The applicant has not obtained permits required by Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) when required.

* * * * *

MANAGEMENT OF OTHER WASTES

§ 91.36. Pollution control and prevention at agricultural operations.

* * * * *

(b) *Land application of animal manure and agricultural process wastewater; setbacks and buffers.*

(1) The land application of animal manures and agricultural process wastewater requires a permit or approval from the Department unless the operator can demonstrate that the land application meets one of the following:

(i) The land application follows current standards for development and implementation of a plan to manage nutrients for water quality protection, including soil and

manure testing and calculation of proper levels and methods of nitrogen and phosphorus application. The Manure Management Manual contains current standards for development and implementation of a plan to manage nutrients for water quality protection which can be used to comply with the requirements in paragraph (1).

(ii) For CAOs, the land application is in accordance with an approved nutrient management plan under Chapter 83, Subchapter D.

(iii) For CAFOs, the land application is in accordance with a CAFO permit as described in § 92a.29 (relating to CAFOs).

(2) Unless more stringent requirements are established by statute or regulation, the following agricultural operations may not mechanically land apply manure within 100 feet of surface water, unless a vegetated buffer of at least 35 feet in width is used, to prevent manure runoff into surface water:

- (i) A CAO.
 - (ii) An agricultural operation receiving manure from a CAO directly, or indirectly through a broker or other person.
 - (iii) An agricultural operation receiving manure from a CAFO directly, or indirectly through a broker or other person.
- (3) CAFOs shall meet the setback requirements in § 92a.29(e)(1)(i).

* * * * *

UNDERGROUND DISPOSAL

§ 91.52. Procedural requirements for underground disposal.

A permit issued under § 91.51 (relating to potential pollution resulting from underground disposal) shall be issued in accordance with the requirements of Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) when applicable.

CHAPTER 92a. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITTING, MONITORING AND COMPLIANCE

Subchapter B. PERMIT APPLICATION AND SPECIAL NPDES PROGRAM REQUIREMENTS

§ 92a.26. Application fees.

(a) NPDES application fees are payable to the Commonwealth of Pennsylvania according to the fee schedule set forth in this section. All flows listed in this section are total annual average design flows for all discharges at a facility in million gallons per day (MGD).

(b) Applications fees for new individual NPDES permits are as follows.

<i>Category</i>	<i>Application Fee</i>
Single Residence Sewage Treatment Plant	\$200
Small Flow Treatment Facility	\$500
Minor Sewage Facility < 0.05 MGD	\$1,000
Minor Sewage Facility >= 0.05 MGD and < 1.0 MGD	\$2,000
Minor Sewage Facility with CSO	\$5,000
Major Sewage Facility >= 1.0 MGD and < 5.0 MGD	\$7,500

Category	Application Fee
Major Sewage Facility \geq 5.0 MGD	\$10,000
Major Sewage Facility with CSO	\$15,000
Minor Industrial Waste Facility not covered by ELG	\$3,000
Minor Industrial Waste Facility covered by ELG	\$6,000
Major Industrial Waste Facility $<$ 250 MGD	\$15,000
Major Industrial Waste Facility \geq 250 MGD	\$100,000
Industrial Stormwater	\$3,000
CAFO	\$500
MS4	\$5,000
CAAP	\$3,000
Pesticides	\$3,000
Mining Activity	\$1,000

In addition, the application fee for reissuance of an individual NPDES permit associated with a mining activity shall be \$500.

(c) (Reserved).

(d) (Reserved).

(e) Application fees for transfers of individual permits are:

Single residence sewage treatment plant	\$50
Small flow treatment facility	\$100
All other sewage facilities and CAFOs	\$200
Industrial waste, Industrial stormwater, MS4 and CAAP	\$500

(f) Application fees for amendments to individual permits are:

Amendment initiated by Department	No charge
Minor Amendment for single residence sewage treatment plant	\$50
Minor Amendment for small flow treatment facility	\$100
Minor amendment for all other facilities	\$200
Major amendment	Same as annual fee established in § 92a.62 (relating to annual fees)

(g) NOI fees for coverage under a general permit under § 92a.23 (relating to NOI for coverage under an NPDES general permit), including fees for amendments to or transfers of general permit coverage, will be established in the general permit. NOI fees may not exceed \$5,000, except as provided in Chapter 102 (relating to erosion and sediment control). An eligible person shall submit to the Department the applicable NOI fee before the Department approves coverage under the general permit for that person. If the general permit allows payment of the NOI fee in annual increments, the eligible person shall, if required by the Department, submit the initial increment to the Department with the NOI before the Department approves coverage under the general permit.

(h) The Department will review the adequacy of the fees established in this section at least once every 3 years

and provide a written report to the EQB. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

(i) Any Federal or State agency or independent State commission that provides funding to the Department for the implementation of the NPDES program through terms and conditions of a mutual agreement and any municipality that is currently designated as a financially distressed municipality by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712) may be exempt from the fees in this section.

§ 92a.32. Stormwater discharges.

(a) The provisions of 40 CFR 122.26(a), (b), (c)(1), (d), (e)(1), (3)—(9), (f) and (g) (relating to storm water discharges (applicable to State NPDES programs, see § 123.25)) and 122.30—122.37 are incorporated by reference.

(b) *No exposure stormwater discharges.* Discharges composed entirely of stormwater are not stormwater discharges associated with industrial activity if there is “no exposure” of industrial materials and activities to stormwater and the discharger satisfies the conditions in 40 CFR 122.26(g). A facility or activity with no stormwater discharges associated with industrial activity may qualify for a conditional exclusion from a permit, provided that the facility or activity does not discharge to a surface water classified as a High Quality Water or an Exceptional Value Water under Chapter 93 (relating to water quality standards). To qualify for the conditional exclusion from a permit, the responsible person shall complete, sign and submit to the Department the appropriate permit application or NOI, including the appropriate application or NOI fee, and a “No Exposure Certification” on forms available from the Department at least once every 5 years.

(c) *Municipal separate storm sewer systems.* The operator of a discharge from a large, medium or small municipal separate storm sewer shall submit in its permit application or NOI the information required to be submitted under 40 CFR Part 122 (relating to EPA administered permit programs: the National Pollutant Discharge Elimination System). Permits for discharges from municipal

separate storm sewer systems are not eligible for a "no exposure" conditional exclusion from a permit under subsection (b). The operator of a discharge from a small MS4 may seek a waiver from NPDES permit requirements under 40 CFR 122.32(c) (relating to as an operator of a small MS4, am I regulated under the NPDES storm water program?). To request this waiver, the operator of

the small MS4 shall complete, sign and submit to the Department the appropriate permit application or NOI, the appropriate permit application or NOI fee and an application for the waiver on forms available from the Department at least once every 5 years.

* * * * *

Subchapter D. MONITORING AND ANNUAL FEES

§ 92a.62. Annual fees.

(a) Permittees shall pay an annual fee in the amount indicated in the following schedule to the Commonwealth of Pennsylvania. The annual fee for permits issued before August 28, 2021, is due on each anniversary of the effective date of the last permit issuance or reissuance until the Department terminates the permit. The annual fee for permits issued for the first time after August 28, 2021, is due on each anniversary of the effective date of the initial permit until the Department terminates the permit. The flows listed in this section are total annual average design flows for all discharges at a facility in million gallons per day (MGD).

(b) Annual fees for individual NPDES permits are as follows:

<i>Category</i>	<i>Annual Fee</i>
Single Residence Sewage Treatment Plant	\$100
Small Flow Treatment Facility	\$250
Minor Sewage Facility < 0.05 MGD	\$500
Minor Sewage Facility ≥ 0.05 MGD and < 1.0 MGD	\$1,000
Minor Sewage Facility with CSO	\$2,500
Major Sewage Facility ≥ 1.0 MGD and < 5.0 MGD	\$3,750
Major Sewage Facility ≥ 5.0 MGD	\$5,000
Major Sewage Facility with CSO	\$7,500
Minor Industrial Waste Facility not covered by ELG	\$1,500
Minor Industrial Waste Facility covered by ELG	\$3,000
Major Industrial Waste Facility < 250 MGD	\$7,500
Major Industrial Waste Facility ≥ 250 MGD	\$50,000
Industrial Stormwater	\$1,500
CAFO	\$500
MS4	\$2,500
CAAP	\$1,500
Pesticides	\$1,500
Mining Activity	\$0
Stormwater Associated with Construction Activities	\$500

(c) (Reserved).

(d) (Reserved).

(e) The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

(f) Any Federal or State agency or independent state commission that provides funding to the Department for the implementation of the NPDES Program through terms and conditions of a mutual agreement and any municipality that is currently designated as a financially distressed municipality by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712) may be exempt from the fees in this section.

[Pa.B. Doc. No. 21-1377. Filed for public inspection August 27, 2021, 9:00 a.m.]

Title 40—LIQUOR
LIQUOR CONTROL BOARD
[40 PA. CODE CH. 5]

Responsible Alcohol Management Program

The Liquor Control Board (Board or PLCB), under the authority of sections 207(i) and 471.1 of the Liquor Code (47 P.S. §§ 2-207(i) and 4-471.1), amends §§ 5.201, 5.202, 5.211, 5.231—5.233 and 5.251 adds §§ 5.203—5.207, 5.212, 5.213, 5.221—5.227 and 5.234—5.236 and deletes §§ 5.241—5.243, 5.261 and 5.271 to read as set forth in Annex A.

Summary

In 2000, the Responsible Alcohol Management Program (RAMP) was established in the Liquor Code (47 P.S. §§ 1-101—10-1001) to provide for training and certification of licensees as to safe and responsible service of alcoholic beverages. At that time, participation in RAMP was mostly voluntary, except for licensees who were ordered to participate as a result of an adjudicated citation or because they were compelled to participate under the terms of a conditional licensing agreement. However, amendments to the Liquor Code have made RAMP training mandatory for managers and servers and have required RAMP certification of certain licensees:

- Act of June 28, 2011 (P.L. 55, No. 11) (Act 11) created the off-premises catering permit and required all servers at the off-premises catered site to receive RAMP server/seller training.
- Act of December 22, 2011 (P.L. 530, No. 113) (Act 113) amended the Liquor Code to require managers of a restaurant, eating place retail dispenser, hotel, club, limited distillery or distributor license to complete RAMP manager/owner training within 180 days of the Board's approval of the appointment.
- Act of June 8, 2016 (P.L. 273, No. 39) (Act 39) amended the Liquor Code to require all alcohol service personnel to complete RAMP server/seller training within 6 months of being hired by a licensee, unless the person had successfully completed the training prior to being hired.
- Act 39 amended the Liquor Code to provide for wine expanded permits, authorizing the permit holder to sell wine to patrons for off-premises consumption. Permit holders must obtain RAMP certification and have a RAMP-trained cashier at the register when patrons are on the licensed premises.

This final-form rulemaking clarifies what constitutes RAMP certification, what is required of those impacted by the legislative changes and provides guidance to those who want to offer RAMP server/seller training as online training providers or classroom instructors.

This final-form rulemaking clarifies the difference between RAMP training and RAMP certification, because members of the regulated community frequently confuse training and certification. A server/seller is required to receive server/seller training and a manager is required to receive owner/manager training. Sections 5.203 and 5.204 (relating to mandatory training for managers; and mandatory training for alcohol service personnel) are added to provide clarity to the regulated community.

Training is a component, a prerequisite for certification; it is not the equivalent of certification. Only licensees receive RAMP certification. Licensees may voluntarily

obtain RAMP certification, or they may be required to obtain it as a result of an adjudicated citation, because of a conditional licensing agreement with the Board, or because it is necessary for a permit they seek to obtain, such as a wine expanded permit.

Prior to these amendments, there were instances where the term “certification” was used inconsistently throughout Subchapter I (relating to Responsible Alcohol Management Program) of the Board's regulations, which has contributed to the confusion in the regulated community. For example, prior to amendment in Annex A, § 5.231 is entitled “Instructor Certification,” § 5.243(a)(1) (relating to records) requires licensees to keep records on the “Certification status of its employees, managers and owners. . . .” Current § 5.233 (relating to minimum standards of training) addresses the need to have an alternative curriculum “certified” by the Board's Bureau of Alcohol Education (BAE).

This final-form rulemaking clarifies that “certification” is available to licensees only and requires the fulfillment of four prerequisites and then the submission of an application for certification of the licensee. The confusion and need for clarity on this issue prompted the addition of §§ 5.205 and 5.206 (relating to RAMP certification prerequisites; and RAMP certification). In addition, throughout this final-form rulemaking, if the word “certification” or “certified” was used in a context other than licensee certification, it was replaced with a more appropriate word. For example, online training providers and classroom instructors are authorized or deauthorized, not certified. Server/sellers and owner/managers receive training, not certification. Curriculum is approved, not certified.

This final-form rulemaking amends § 5.201 (relating to purpose) by keeping most of the first sentence but deleting the remainder. The provisions in subsection (a), pertaining to the four-part RAMP program, are set forth in more detail in new § 5.205. The provisions in subsections (b) and (c) are set forth in more detail in new §§ 5.205 and 5.206.

This final-form rulemaking expands the definitions listed in § 5.202 (relating to definitions) by adding terms that have been introduced in the new sections, such as alcohol service personnel, alternative curriculum, designated employee, material change, online training provider, standard curriculum and training voucher. Other definitions were amended to provide clarity and consistency within the regulation. In the proposed rulemaking, the Board deleted the definition for “responsible server practices.” This final-form rulemaking restores that definition.

This final-form rulemaking adds § 5.203, which stems from the provision of Act 113 that requires managers, under section 471.1(g) of the Liquor Code, to obtain owner/manager training. This final-form provides that the manager will be deemed to have met the training requirement if they have successfully completed the training within the 2 years prior to being appointed manager. Two years was chosen as the time frame because it corresponds with RAMP certification, which is also valid for 2 years. In response to a comment from the Independent Regulatory Review Commission (IRRC), this final-form rulemaking is amended to clarify that owner/manager training expires after 2 years, and the owner/manager must renew training every 2 years.

This final-form rulemaking adds § 5.204, which stems from the provision of Act 39 that requires alcohol service

personnel, under section 471.1(h) of the Liquor Code, to obtain server/seller training. Like § 5.203, the alcohol service personnel will be deemed to have met the training requirement if they have successfully completed the training within 2 years prior to being hired by the licensee. In response to comments from IRRC, this final-form rulemaking is amended to clarify that server/seller training expires after 2 years, and that alcohol service personnel must renew training every 2 years.

This final-form rulemaking adds § 5.205 which is intended to clarify that training alone does not constitute certification. The word “prerequisites” was deliberately chosen to signal that the four components are not synonymous with certification. The four prerequisites are (1) owner/manager training, which was formerly located in deleted § 5.241 (relating to manager/owner training); (2) server/seller training, which was previously not explained in detail; (3) new employee orientation, which was formerly located in deleted § 5.242; and (4) display of responsible alcohol service signage, which was previously located in deleted § 5.261.

In this final-form rulemaking, the Board clarifies that new employee orientation is required of all alcohol service personnel when an employer is preparing to apply for RAMP certification for the first time. Section 471.1(a) of the Liquor Code provides that “Training for alcohol service personnel shall be as set forth by the Board, but at minimum it shall consist of training to prevent service of alcohol to minors and to visibly intoxicated persons.” The basic information covered in the new employee orientation is important for all alcohol service personnel to know. In this way, the BAE is assured that an employer’s alcohol service personnel have been given this information, not just those recently hired.

IRRC asked the Board to explain the reasonableness of allowing an employer 30 days to conduct new employee orientation. It bears noting that this provision is currently located in deleted § 5.242(a), and as such, was previously approved by IRRC. In addition, note that 30 days is the deadline for new employee orientation. At every owner/manager training, the Board stresses that licensees should not wait to review the new employee orientation form with new staff, but should review it with them as soon as possible, even before they start. However, since that could be challenging, providing a 30-day deadline gives them a certain time frame for the completion of this task.

Requiring this training to be completed within a shorter time frame could be burdensome to the regulated community. Many employees in the food services and drinking industry work part-time. Therefore, in a 30-day period of time, it is entirely possible that a licensee’s new employee might only work four to eight times—the equivalent of once or twice a week. Allowing a licensee 30 days to provide new employee orientation gives the licensee a fair opportunity to meet this requirement.

This task is only required for licensees that are seeking RAMP certification or wish to remain compliant. It is not otherwise mandatory. RAMP certification is voluntary for most licensees. Completing the new employee orientation form is a component of the program to remain compliant once certified.

Section 5.206 incorporates text from former § 5.271. Section 5.206 was deliberately set apart from § 5.205 to make clear that satisfying the prerequisites was not the equivalent of RAMP certification. Another step is required; a licensee must file an application with the Board for certification.

IRRC asked the Board to explain, in the preamble, its statutory authority for § 5.206(c), which binds the Office of Administrative Law Judge to take official notice of the Board’s records with regard to licensee certification. The identical language regarding official notice was previously vetted by the regulatory process and is currently located in § 5.271(i) of the Board’s regulations. The existing language was simply moved to another section as part of the overhaul of the chapter.

However, to be thorough, the Board provides the following explanation. Section 206 of the Liquor Code (47 P.S. § 2-206) places the Board under the auspices of the Administrative Code of 1929 (71 P.S. § 51—732): “Except as otherwise expressly provided by law, the Board shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine, as amended, which apply generally to independent administrative boards and commissions.”

Section 506 of the Administrative Code of 1929 (71 P.S. § 186), empowers independent administrative Boards to prescribe rules and regulations for a variety of matters:

The heads of all administrative departments, the several independent administrative Boards and commissions, the several departmental administrative Boards and commissions, are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, Boards, or commissions, the conduct of their employes and clerks, the distribution and performance of their business, and the custody, use, and preservation of the records, books, documents, and property pertaining thereto.

71 P.S. § 186 (Emphasis added). Specific guidance as to the Board’s authority to issue a regulation pertaining to official notice can be found in the *Pennsylvania Code*:

Official notice may be taken by the agency head or the presiding officer of such matters as might be judicially noticed by the courts of this Commonwealth, or any matters as to which the agency by reason of its functions is an expert. Any participant shall, on timely request, be afforded an opportunity to show the contrary. Any participant requesting the taking of official notice after the conclusion of the hearing shall set forth the reasons claimed to justify failure to make the request prior to the close of the hearing.

1 Pa. Code § 35.173 (relating to official notice of facts) (Emphasis added).¹

The Commonwealth Court articulated additional guidance on which subjects are appropriate for the doctrine of official notice:

“Official notice” is the administrative counterpart of judicial notice and is the most significant exception to the exclusiveness of the record principle. *The doctrine allows an agency to take official notice of facts which are obvious and notorious to an expert in the agency’s field and those facts contained in reports and records in the agency’s files*, in addition to those facts which are obvious and notorious to the average person. Thus, official notice is a broader doctrine than is judicial notice and recognizes the special competence of the administrative agency in its particular field

¹ This regulation is found in 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), which begins by citing the following authority: “The provisions of this Part II [are] issued under section 506 of The Administrative Code of 1929 (71 P.S. § 186); section 35 of the Administrative Agency Law (71 P.S. § 1710.35) (Repealed); and 45 Pa.C.S. §§ 503, 701 and 723, unless otherwise noted.”

and also recognizes that the agency is a storehouse of information on that field consisting of reports, case files, statistics and other data relevant to its work.

Ramos v. Pa. Bd. of Prob. & Parole, 954 A.2d 107, 109-110 (Pa. Cmwlth. 2008) (Emphasis added) (citations omitted).

The Board's BAE is the only entity in the Commonwealth that is authorized to issue RAMP certification to a licensee.

For purposes of clarity, the Board's proposed rule-making added language indicating that the Board's certification of a licensee's status as being RAMP compliant shall create a rebuttable presumption that the licensee is RAMP compliant. Additionally, in this final-form rule-making, the Board clarifies that this is a matter of which official notice may be taken within the context of any proceeding before the Office of Administrative Law Judge or the Board.

Section 5.207 (relating to records) is based on former § 5.243 (relating to records). The language in subsection (a)(1) was updated to reflect the information that the BAE wants licensees to keep.

Section 5.211 (relating to curriculum for server/seller training) is amended and replaced with a sentence explaining that someone who wants to offer server/seller training may use either the Board's standard curriculum or an alternative curriculum that has been approved by the Board. This final-form rulemaking provides more information in §§ 5.212 and 5.213 (relating to standard curriculum; and alternative curriculum).

This final-form rulemaking adds § 5.212, providing that a standard RAMP curriculum for server/seller training is electronically available, free of charge, to anyone who requests it. If someone requests that the information be provided in hard copy through mail, the Board will provide it for a flat fee.

This final-form rulemaking adds § 5.213 to explain, in greater detail, what is required of someone who wants to get an alternative curriculum approved for use in server/seller training. The Board studied the time it takes to evaluate and approve an alternative curriculum. It is estimated that the process takes 17.5 hours at a cost to the Board of \$515. Rounding the cost of estimation down to the nearest hundred (\$500) and then dividing that figure in half results in a figure of \$250. The Board is essentially subsidizing half the cost for the providers. This final-form rulemaking introduces a limit of two resubmissions to correct any deficiencies; that limit was chosen as a fair balance between the interests of the alternative curriculum offeror and the limited resources of the BAE.

This final-form rulemaking includes a new heading, Online Training Providers and Programs for Server/Seller Training. The increased demand for RAMP server/seller training can be met, in part, by online server/seller training.² The BAE has allowed a limited number of online training providers to offer server/seller training since November 2011. The section is based on the BAE's experience with existing online training providers and includes guidance for anyone wanting to become a new online training provider.

IRRC asked the Board to explain, in the preamble, the implementation procedure for authorizing a business as an online training provider. The Board will authorize a

business to provide online training courses, and already has. Regardless of the business organization, at the core is an individual who is providing the RAMP training services. The BAE will review the minimum qualifications of the individual who will be providing training services on behalf of the business, which qualifications are the same required of an individual and are set forth in § 5.231(b) (relating to classroom instructor application).

Section 5.221 (relating to online training provider application) also includes a limitation that the Board will only accept applications during scheduled open enrollment periods. The purpose behind this amendment is primarily to control the number of applications received by the BAE. To ensure that those seeking server/seller training receive a quality experience, online training providers must be thoroughly evaluated. Evaluating online training providers is a time-consuming process, which includes numerous deadlines for the applicant and the BAE, and the BAE has only nine staff members available to conduct the evaluations. Therefore, limiting the acceptance of applications to scheduled periods is an effective way to ensure that the BAE can evaluate and authorize qualified online training providers within a reasonable time frame.

Section 5.221 establishes the procedure for someone applying to become a new online training provider. Currently, online training providers are assessed the same fee required of classroom instructors—\$250—because the regulations do not as of yet provide for a fee for online training providers. To determine an appropriate fee for an online training provider application, the Board calculated the amount of time spent in evaluating the application and supporting the online training provider. The process includes, but is not limited to, reviewing the application and the online training content, providing feedback and evaluating resubmissions of training content, providing troubleshooting and records reconciliation, and course evaluation. It is estimated that the process takes 55 hours at a cost to the Board of \$1,772.50. The evaluation is extensive and time consuming, since every link and every digital functionality must be tested to ensure that the program works as it is supposed to. As a result, this final-form rulemaking establishes the nonrefundable application fee of an online training provider at \$850. This fee was calculated by rounding the cost of evaluation and support down to \$1,700 and then dividing that figure in half. Again, the Board is subsidizing half of the cost.

Given the number of people who need to obtain server/seller training, the Board believes that online training providers can easily recoup the fee from alcohol service personnel in need of training. During Fiscal Year (FY) 2019-2020, 65,277 people received server/seller training from an online training provider, of which there are currently fourteen. If the number of students who obtained training were equally divided among the fourteen online training providers, each online training provider would have 4,662 students. The online training provider could recoup nearly the entire \$850 application fee by charging each of those students 18 cents ($4,662 \times \$0.18 = \839.16). Put another way, an online training provider would only need \$1 from approximately 1.302% of the 65,277 students to recoup nearly the entire application fee ($65,277 \times 1.302\% = 849.91$). Currently, online training providers charge from \$8 to \$40 per training, with most charging \$20 or \$25.

IRRC asked the Board to address, in the preamble, whether the Board has considered the economic impact upon prospective online training providers who will incur

² As an aside, only the Board may offer owner/manager training. 47 P.S. § 4-471.1(c).

expenses developing an online training module without knowing when it may submit an application for authorization. This scenario was not considered by the Board. A potential applicant who prepares an online training module with no idea as to when open enrollment will occur has taken an unnecessary risk of the applicant's own making.

IRRC also asked the Board to address, in the preamble, subsection (b), regarding minimum qualifications. This subsection does not require an online training provider to attend owner/manager training, which is mandatory for classroom instructors under § 5.234(7) (relating to classroom instructor responsibilities). In addition, § 5.234(6) requires classroom instructors to attend instructor meetings scheduled by the Board. IRRC asked the Board to explain the reasonableness of excluding online training providers from these requirements.

Online training providers do not have to attend owner/manager training because of the difference between an online training course and the classroom experience. With an online course, the student does not have an opportunity to ask questions or engage in a discussion of the material that may exceed the topic at hand. However, in a classroom setting, the classroom instructor delivers the information and provides a more in-depth explanation of it. Questions frequently arise and discussion is likely. It is important for the classroom instructor to have additional training to be prepared for these situations. This is the reason why classroom instructors must have additional training that online training providers are not required to have.

Section 5.222 (relating to online training program approval process) sets forth the approval process, which requires the evaluation of the online training program itself. An online training provider is allotted 120 days to give the Board access to the online training web site. After receiving access to the web site, the Board will determine whether the web site meets the minimum standards that are set forth in § 5.223 (relating to minimum standards of the online training program). The minimum standards include certain program features, program availability, program functionality, and the Board's final examination. The minimum standards also set forth security and technology requirements, such as encrypting personally identifiable information and prohibiting the online training provider from selling or using this information for any purpose other than for identification by the online training provider and verification by the Board.

Section 5.223 (relating to minimum standards of the online training program) sets forth the program features, program availability, program functionality, final examination, and security and technology requirements. Subsection (e) is amended to correct a reference to another section.

Section 5.224 (relating to online training provider responsibilities) establishes what is required of the online training provider. IRRC asked the Board to explain the need for and reasonableness of the requirement of setting a minimum number of students per online training provider, as established in paragraph (3). In response, the Board notes that RAMP training is important for the licensees and their personnel. The online training provider who is offering server/seller courses should be able to demonstrate a commitment to the training being offered. Even if the method of instruction is by computer and not classroom, requiring a minimum number of

students ensures that the online training provider is committed to offering a professional service.

Section 5.224(7) originally required an online training provider to resolve a technical support inquiry within 1 business day. A commentator expressed concern with implementing this requirement when correcting technical issues and communicating with students. The commentator suggested that 2 business days is a more reasonable time frame. The commentator's suggestion has been accepted. This final-form rulemaking amends the time period to 2 business days.

Section 5.224(10)(i) originally required an online training provider to make changes to online training program content within 24 hours of being notified by the Board. IRRC asked the Board to explain, in the preamble, the reasonableness of how this provision will be implemented.

It is imperative that students receive the correct information. Licensees could be held liable for violations of the law if their employees are not properly trained. It is not acceptable to the BAE to allow misinformation to be disseminated.

That being said, there is frequently—but not always—a period of time before the law changes; some legislation provides for a period of 60 days before it becomes effective. This final-form rulemaking provides that the changes must be made by the date provided by the Board. Under this scenario, the BAE could notify all online training providers that changes must be made to program content and approved by the BAE by a specific day. The BAE will allow as much time as possible, but in some circumstances, the law changes immediately upon the signature of the Governor, and thus the timing of the changes is beyond the BAE's control.

Section 5.224(10)(iii) directs an online training provider to “[r]efrain from making material changes to online training program content” without approval from the Board or unless directed to by the Board. The online training provider is required to submit the material changes to the program for Board review and approval under clause (A). In response to comment by IRRC, clause (A) is amended in two respects. First, the procedures for review and approval will follow the procedures set forth in § 5.213, and language to that effect has been added to clause (A). Second, the nonrefundable fee has been changed from \$850 to \$250, to keep the provisions of clause (A) consistent with § 5.213.

In the proposed rulemaking, § 5.224(11)(i) required an online training provider to notify the Board not less than 30 days before an online training program is modified, enhanced or upgraded. In this final-form rulemaking, the paragraph is amended to delete the requirement of 30 days' notification and to simply require that the Board is notified before the implementation of any system enhancements or modifications. Students will often contact the BAE if they have an issue with an online training provider, so if the BAE has notice that an enhancement or modification has been implemented, this information can be shared with the student.

Section 5.225 (relating to renewal of authorization) explains the time frame and procedures for renewing the authorization to serve as an online training provider. Through this final-form rulemaking, the Board is establishing clear rules for the renewal of an online training provider's authorization. Currently, online training providers pay a renewal fee of \$250. This fee has not been changed since 2010. To determine an appropriate fee, the Board calculated the amount of time spent in renewing

an online training provider. The process includes, but is not limited to, course evaluation, student records reconciliation and troubleshooting. It is estimated that the process takes approximately 39 hours at a cost to the Board of \$1,222.50. As a result, § 5.225 of this final-form rulemaking increases the renewal fee of an online training provider from \$250 to \$600. This fee was calculated by rounding the cost of evaluation and support down to \$1,200 and then dividing that figure in half. The Board is therefore subsidizing half of the cost to the provider.

In addition, § 5.225 imposes a late fee of \$100 on an online training provider if a renewal application is not filed at least 30 days before the expiration of the authorization. Because RAMP has only nine staff members, requiring an online training provider to submit a renewal application 30 days before expiration allows sufficient time for the RAMP staff to process the request. This ensures that the online training provider's authorization is renewed in a timely fashion, without interruption of the provider's business.

In this final-form rulemaking, § 5.225 is amended to address two issues raised in response to the proposed rulemaking. First, hard copy screen shots of the online training program are not required with a renewal application if the online training provider certifies that no material changes were made to the online training program after it was last approved by the Board. Screen shots are only required of online training providers if they have incorporated material changes into their online training program.

Second, applications for renewal will not be accepted after the expiration date. In the proposed rulemaking, applications for renewal would have been accepted with the submission of a \$250 late fee. However, IRRC pointed out that allowing the online training provider to file a late application for renewal creates a "gap of uncertainty," whereby it is unclear if the online training provider is authorized or not authorized to provide server/seller training. To eliminate this "gap of uncertainty," § 5.225 is amended to eliminate the acceptance of renewal applications after the date of expiration. In this final-form rulemaking, the language is amended to mirror the language in new § 5.235(c)(2) (relating to renewal of authorization) and now states the prohibition in the singular, rather than the plural.

Section 5.226 (relating to training vouchers) addresses a practice whereby online training providers issue training vouchers in bulk quantities to licensees with many employees, such as chain restaurants or casinos. The licensee may then give the training vouchers to its employees to obtain the server/seller training. Once these vouchers are sold, however, there is no guarantee that the online training provider will still be authorized to provide this training by the time the last voucher is redeemed and training is completed. The Board sought to protect licensees from having a large quantity of vouchers issued by an online training provider who no longer had authorization to provide training. In the proposed rulemaking, training vouchers were only valid for 60 days from the date of purchase.

In response to comments from the public and from IRRC, this final-form rulemaking of § 5.226 eliminates the provision that training vouchers expire after 60 days. This final-form rulemaking provides that training vouchers are valid for as long as the online training provider is authorized to provide server/seller training. Refunds for unused training vouchers are addressed in § 5.227 (relating to deauthorization of online training providers).

Section 5.227 sets forth the procedure that will be followed when an online training provider does not meet the minimum standards, does not meet its responsibilities or engages in prohibited conduct. In this final-form rulemaking, the Board adds subsection (b)(1), which explains what an online training provider must do if its authorization to provide online training is suspended. The suspended online training provider must immediately render the online training program inaccessible to new students. In addition, the online training provider must contact all students who have started the course but not finished it and advise them to finish the course within 14 days. Thus, students are alerted that they must finish, and no additional vouchers can be redeemed until the suspension is lifted.

In this final-form rulemaking, the Board adds subsection (c)(1), which explains what an online training provider must do if it has been deauthorized from providing online training. The deauthorized online training provider, like the suspended online training provider, must render the program inaccessible to new students, and advise students who have started the course that they must finish it within 14 days (§ 5.223(b)(2)(ii) requires students to provide an e-mail address during the registration process). Deauthorized online training providers must also contact, by e-mail or telephone, holders of unused training vouchers and advise them that the online training program is no longer valid, and they must remit refunds for all unredeemed training vouchers.

Section 5.231 increases the fee that a classroom instructor applicant must pay. Currently, new classroom instructors pay a fee of \$250. This fee has not been changed since 2010. To determine an appropriate fee, the Board calculated the amount of time spent in evaluating and training a new classroom instructor. The process includes, but is not limited to, 2 days of instruction as well as on-site training evaluation. It is estimated that the process takes approximately 50 hours at a cost to the Board of \$1,083.80. As a result, § 5.231 of this final-form rulemaking increases the nonrefundable application fee of a new classroom instructor from \$250 to \$500. This fee was calculated by rounding the cost of evaluation and support down to \$1,000 and then dividing that figure in half. As a result, the Board subsidizes half of the cost.

During FY 2019-2020, 14,888 people obtained server/seller training in a classroom setting. There are currently 21 classroom instructors; if the people taking server/seller training were evenly distributed among the 21 classroom instructors, each instructor would teach approximately 709 people per year. The authorized classroom instructor can recoup nearly the entire \$500 authorization fee by charging each student an additional seventy cents ($709 \times \$0.70 = \496.30). Put another way, a classroom instructor would only need \$1 from approximately 3.3% of the 14,888 students to recoup the application fee ($14,888 \times 3.3\% = 491.30$). It is estimated that currently, classroom instructors charge from \$15 to \$50 per training, with most charging \$25 to \$40.

Section 5.231 includes a limitation that the Board will only accept applications during scheduled open enrollment periods. The purpose behind this amendment is primarily to control the number of applications received by the BAE. To ensure that those seeking server/seller training receive a quality experience, the classroom instructors must be thoroughly evaluated. Evaluating instructors is a time-consuming process, which includes numerous deadlines for the applicant and the BAE, and the BAE has only nine staff members available to conduct

the evaluations. Therefore, limiting the acceptance of applications to scheduled periods is an effective way to ensure that the BAE can evaluate and authorize qualified classroom instructors within a reasonable time frame.

Section 5.231 updates the requirements for a classroom instructor, including the fact that the applicant must have had, within the past 5 years, 2 years of experience as a trainer or in giving presentations. The purpose behind this change was to ensure that the applicant's skills in this area are still relatively fresh, not, for example, based on an experience from 20 years ago. In addition, hospitality experience is clarified to be related to hotel/restaurant management, to ensure that the applicant has ample experience.

This final-form rulemaking amends § 5.232 (relating to classroom instructor approval process) to address the classroom instructor approval process instead of classroom instructor responsibilities, which will be addressed in added § 5.234. The most significant change to the approval process is the institution of a probationary period. The probationary period allows the BAE to evaluate classroom instructors "in action," to ensure that the classroom instructor can actually teach the material. If a classroom instructor does not achieve a rating of "Outstanding," "Commendable," or "Satisfactory," the Board will terminate the classroom instructor's authorization.

Section 5.233 (relating to minimum standards of classroom training) amends the existing regulation in small ways to provide greater clarity to the regulated community. For example, because this final-form rulemaking introduces the category of online training providers, this section is amended to refer to "classroom instructors," to clearly distinguish them from online training providers.

As suggested by IRRRC, the second sentence of subsection (a) is deleted because it is repetitive. In addition, the phrase "Within 7 days" is added to the beginning of subsection (e) to clarify the time frame for notifying students of their grade in the final examination.

Additionally, in § 5.233, a classroom instructor is required to notify the Board immediately when cancelling a training session or making a change to the training schedule. Previously, the methods of communication between the classroom instructor and the Board in these circumstances included first class United States mail, other delivery or express service, facsimile or e-mail. This final-form rulemaking amends the methods of communication to reflect the actual practice, which is by telephone or e-mail, eliminating all other methods.

Section 5.234 includes the existing content of § 5.232. The section is expanded to include a subsection requiring the classroom instructor on probationary status to adhere to the Board's Regulations and Probationary Status Instructor policies that will be provided by the Board. The section adds responsibilities of classroom instructors about making changes to the curriculum, about acknowledging communications from the Board, getting Board approval on marketing correspondence and keeping contact information up to date with the Board.

As suggested by IRRRC, the phrase "modifications or changes" is replaced by the defined phrase "material changes," for increased clarity. For additional clarity, the text of § 5.234 is amended to explain that, if a classroom instructor wants to make material changes to either the standard curriculum or an approved alternative curriculum, the classroom instructor must submit the curriculum, including the material changes, to the BAE for review and approval in accordance with the provisions of § 5.213(b).

This final-form rulemaking adds new § 5.235. Through this final-form rulemaking, the Board is establishing clear rules for the renewal of a classroom instructor's authorization. Currently, classroom instructors pay a renewal fee of \$250. This fee has not been changed since 2010. To determine an appropriate fee, the Board calculated the amount of time spent in renewing a classroom instructor. The process includes, but is not limited to, travelling to locations for onsite training evaluation. It is estimated that the process takes approximately 22.5 hours at a cost to the Board of \$655. As a result, § 5.235 of this final-form rulemaking increases the renewal fee of a classroom instructor from \$250 to \$300. This fee is calculated by rounding the cost of evaluation and support down to \$600 and then dividing that figure in half. The Board subsidizes half of the cost for the classroom instructor renewal.

Section 5.235(b)(2) requires that, if a classroom instructor wants to make material changes to the alternative curriculum, an additional \$250 fee is required. The classroom instructor shall continue to use the alternative curriculum that was approved by the Board until the notice of authorization is renewed.

In addition, § 5.235 imposes a late fee on classroom instructors if renewal applications are not timely filed. Because RAMP has only nine staff members, requiring a classroom instructor to submit a renewal application 30 days before expiration allows sufficient time for the RAMP staff to process the request. This ensures that the instructor's authorization is renewed in a timely fashion, without interruption of the instructor's business. Renewals that are submitted shortly before expiration or after expiration tend to disrupt the work of the RAMP office; further, the late-submitting instructor will often ask for expedited service for what is truly an avoidable situation. Towards that end, an additional late fee of \$100 is imposed to compel the timely submission of the application for renewal. This fee was adopted because it is the same fee that licensees must pay if they are untimely with their license renewal applications. See 47 P.S. § 4-470(a).

In this final-form rulemaking, § 5.235(c)(2) is amended to state that "The Board will not accept an application for renewal of authorization that is filed after the expiration of the current authorization." This is the identical language in § 5.225(b)(2). In addition, this final-form rulemaking establishes that the classroom instructor who has missed filing an application for renewal before the date of expiration will have to wait for open enrollment to submit a new application.

Section 5.236 (relating to deauthorization of classroom instructors) is nearly identical to § 5.227 except for the fact that it does not include provisions that are unique to online training providers: the invalidation of training that is completed after deauthorization and the invalidation of previously issued training vouchers. Neither of these scenarios is at issue with classroom instructors and, therefore, these provisions were not included in § 5.236.

This final-form rulemaking deletes § 5.241. This information can now be found in § 5.205(b)(1), relating to RAMP certification prerequisites. This final-form rulemaking deletes § 5.242. This information is restated with more detail and can now be found in § 5.205(b)(3). This final-form rulemaking deletes § 5.243. This information can now be found in § 5.207.

This final-form rulemaking amends § 5.251 (relating to additional prohibited conduct). New §§ 5.227 and 5.236

identify the conduct that will lead to deauthorization. To eliminate repetition, the text in § 5.251(a)(9), (b) and (c) is deleted. The remainder of the text in § 5.251 is amended to include minor updates in vernacular, to be consistent with the rest of this final-form rulemaking. The only significant change is the incorporation of a reference to the Pennsylvania Human Relations Act (43 P.S. §§ 951—963) (PHRA); discrimination or harassment based on age, race, sex, disability, national origin or religion or any other protected class under the PHRA is prohibited conduct.

Finally, this final-form rulemaking deletes §§ 5.261 and 5.271 (relating to signs; and premises certification). This information can now be found in §§ 5.205(b)(4) and 5.206, respectively.

Affected Parties

The affected parties include licensees and their employees, including managers and server/sellers, as well as entities that are offering RAMP server/seller training. For FY 2019-2020, 5,903 people enrolled in owner/manager training and 80,165 people enrolled in server/seller training. The affected parties also include the classroom instructors and online training providers. As of March 31, 2021, there are 21 classroom instructors and 14 online training providers of server/seller training.

Paperwork Requirements

This final-form rulemaking does not impose any new paperwork requirements on licensees, alcohol service personnel, managers, online training providers, or classroom instructors.

Fiscal Impact

The fee for a classroom instructor has increased from \$250 to \$500, with a renewal fee of \$300. In addition, the fee for an online training provider is established as \$850, with a renewal fee of \$600. Moreover, these fees are less than half of the costs incurred by RAMP to train and authorize classroom instructors or to review the content of an online training provider as well as test every link and every digital functionality. However, as explained previously, these fees can readily be offset from the fees that online training providers and classroom instructors already charge to the tens of thousands of people who need server/seller training.

Effective Date

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

Contact Person

Questions regarding this final-form rulemaking should be addressed to Rodrigo Diaz, Chief Counsel, Jason Worley, Deputy Chief Counsel or Norina Foster, Assistant Counsel, Office of Chief Counsel, Pennsylvania Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 3, 2019, the Board submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 3733 (July 20, 2019), to IRRC and the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to submit to IRRC and the House and Senate Committees copies of the comments received during the public comment period, as well as other

documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees, and the public. The Board received comments from IRRC and from the public, the responses to which are set forth in separate documents.

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 and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 15, 2021, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 5, are amended by adding §§ 5.203—5.207, 5.212, 5.213, 5.221—5.227 and 5.234—5.236, amending 5.201, 5.202, 5.211, 5.231—5.233 and 5.251 and deleting 5.241—5.243, 5.261 and 5.271 to read as set forth in Annex A.

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

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

TIM HOLDEN,
Chairperson

(*Editor's Note:* See 51 Pa.B. 4174 (July 31, 2021) for IRRC's approval order.)

Fiscal Note: Fiscal Note 54-90 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD **CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES**

Subchapter I. RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM **GENERAL**

§ 5.201. Purpose.

This subchapter implements the provisions authorized under section 471.1 of the Liquor Code (47 P.S. § 4-471.1).

§ 5.202. Definitions.

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

Alcohol service personnel—Any employee of a licensee such as a bartender, waiter or, in the case of a distributor or importing distributor, a salesperson whose primary responsibility includes the resale, furnishing or serving of liquor or malt or brewed beverages. It shall also mean any employe, such as a doorperson, whose primary responsibility is to ascertain the age of individuals who are attempting to enter the licensed premises.

Alternative curriculum—Curriculum for server/seller training that was developed by an entity other than the Bureau of Alcohol Education.

BAE—Bureau of Alcohol Education—The office in the PLCB that is responsible for administering the Responsible Alcohol Management Program (RAMP).

Classroom instructor—An individual who is authorized by the PLCB to instruct students on server/seller training in a classroom setting where the instructor and the students are physically present.

Designated employee—An employee of a licensee whose primary job for the licensee is employee training or providing human resource services.

Licensee—An individual, person or entity that holds a license issued by the PLCB.

Material change—A change that affects or impacts the substance of the curriculum or changes the order of the curriculum. A material change may include the addition of unapproved information or the deletion of approved information.

New employee—An individual who has not been employed at the licensed premises in any capacity during the preceding year.

Online training provider—An individual or entity who is authorized by the PLCB to provide instruction to students on server/seller training by means of the Internet.

Owner/manager training—Training conducted by the PLCB or its employees for individuals who manage or own licensed premises.

PLCB—Pennsylvania Liquor Control Board.

RAMP—Responsible Alcohol Management Program—A certification program regarding the responsible sale and service of alcohol.

Responsible server practices—Procedures and practices used by alcohol service personnel to prevent the furnishing or selling of alcoholic beverages to minors and visibly intoxicated persons.

Server/seller training—Training conducted by the PLCB, a classroom instructor, or an online training provider for alcohol service personnel.

Standard curriculum—Curriculum for server/seller training that is produced and provided by the Bureau of Alcohol Education.

Student—An individual who has enrolled in a RAMP class or online training.

Training voucher—A code or password that grants permission or access to an online training program that may be purchased from an online training provider.

§ 5.203. Mandatory training for managers.

(a) Any manager who is required, under section 471.1(g) of the Liquor Code (47 P.S. § 4-471.1(g)), to complete owner/manager training within 180 days of approval of appointment by the PLCB will be deemed to

have met that training requirement if the appointed manager successfully completed the training within the 2 years prior to being appointed manager.

(b) Licensees must ensure that the manager has successfully completed owner/manager training within the past 2 years.

(c) The first time an individual enrolls in owner/manager training, he or she shall enroll and attend the owner/manager training in a classroom setting. The individual may take subsequent owner/manager training in a classroom setting or by means of online training, as preferred.

(d) Owner/manager training expires after 2 years. An owner/manager must renew owner/manager training every 2 years.

§ 5.204. Mandatory training for alcohol service personnel.

(a) Any alcohol service personnel who is required, under section 471.1(h) of the Liquor Code (47 P.S. § 4-471(h)), to complete server/seller training within 6 months of being hired by a licensee will be deemed to have met that training requirement if the training was successfully completed within the 2 years prior to being hired by the licensee.

(b) Licensees must ensure that each member of their alcohol service personnel has successfully completed server/seller training within the past 2 years.

(c) If a licensee obtains an off-premises catering permit for use at a catered function, all alcohol service personnel must have successfully completed server/seller training within 2 years prior to the date of the catered function.

(d) Server/seller training expires after 2 years. Alcohol service personnel must renew server/seller training every 2 years.

§ 5.205. RAMP certification prerequisites.

(a) Licensees may seek RAMP certification voluntarily, may commit to obtaining certification as part of a conditional licensing agreement entered into with the PLCB, or may be required to obtain certification by a provision in the Liquor Code or as a result of an adjudicated citation.

(b) Licensees applying for RAMP certification under section 471.1 of the Liquor Code (47 P.S. § 4-471.1) must complete the following prerequisites:

(1) *Owner/manager training.*

(i) At least one owner or the PLCB-approved manager must complete the owner/manager training.

(ii) The first time an individual enrolls in owner/manager training, the individual shall enroll and attend the owner/manager training in a classroom setting. The individual may take subsequent owner/manager training in a classroom setting or by means of online training, as preferred.

(iii) Training will include instruction on proper service of alcohol, developing an alcohol service policy and establishing house rules and policies aimed at preventing sales of alcoholic beverages to minors or visibly intoxicated persons. Instruction will also be provided on identification checks and signs of visible intoxication. Instruction will be provided on techniques to ensure that alcohol service personnel are complying with house rules and policies, including the orientation of new and current employees and the documentation of incidents occurring in the workplace.

(iv) Owner/manager training will be conducted by the PLCB. The PLCB will maintain records establishing the names of individuals who have successfully undergone owner/manager training.

(2) *Server/seller training.*

(i) At least 50% of the licensee's alcohol service personnel must successfully complete server/seller training at the time of filing the application for certification of compliance. This percentage must be maintained or RAMP certification may be rescinded.

(ii) Successful completion of server/seller training is a score of 80% or better on the PLCB's final examination.

(iii) Training will include instruction on detecting signs of impairment and intoxication, identifying underage individuals, and detecting false identifications, including those that are altered, counterfeit or borrowed. Instruction will focus on the practical application of the skills necessary to properly check identification, prevent intoxication and refuse service.

(3) *New employee orientation.*

(i) When preparing to apply for RAMP certification for the first time, the licensee's owner, manager or designated employee must review an orientation checklist with all alcohol service personnel. The orientation checklist, provided by the PLCB, addresses the liquor laws regarding service to minors, service to visibly intoxicated patrons, acceptable forms of identification, carding practices and house policies.

(ii) New employees must receive orientation within 30 days of being hired by the licensee. When new employees are hired, the licensee is responsible for ensuring that the owner, manager or designated employee conducts new employee orientation within 30 days of the employee's hire.

(iii) Once completed, orientation checklists should be kept by the licensee throughout the person's employment and for 2 years after separation from employment.

(4) *Display of responsible alcohol service signage.*

(i) Licensees must post signs in the licensed premises. The signs will be provided by the PLCB, although a licensee may use its own signs as long as they are equivalent in size and content to the PLCB's signs.

(ii) The following signs must be posted, notifying patrons about:

(A) Acceptable forms of identification as described in section 495(a) of the Liquor Code (47 P.S. § 4-495(a)).

(B) The licensee's duty to refuse service to minors and visibly intoxicated persons under section 493(1) of the Liquor Code (47 P.S. § 4-493(1)).

(iii) The design of the signs must be so that they are legible from a distance of at least 10 feet. Signs must be located where patrons will easily see them.

(iv) The licensee is responsible for the posting and maintenance of signs.

§ 5.206. RAMP certification.

(a) After a licensee has completed the prerequisites of RAMP certification as set forth in § 5.205 (relating to RAMP certification prerequisites), the licensee may file an application with the PLCB for RAMP certification. There is no fee for applying for certification or recertification.

(1) If the PLCB finds that the licensee has satisfied the prerequisites, the PLCB will approve the application for certification of the licensee.

(2) RAMP certification is valid for 2 years. The PLCB will issue a notice of certification to the licensee that will advise the licensee of the date that the certification will expire.

(3) The licensee must continually satisfy the certification requirements during that period or certification may be rescinded.

(b) If the PLCB finds that the licensee has not satisfied the prerequisites, the PLCB will deny the application for certification of the licensee.

(1) If the licensee was required to obtain RAMP certification as a result of an adjudicated citation or by the terms of a conditional licensing agreement, but failed to do so, the PLCB will refer the matter to the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

(c) The PLCB's certification of a licensee's status as being RAMP compliant shall create a rebuttable presumption that the licensee is RAMP compliant. This is a matter of which official notice may be taken within the context of any proceeding before the Office of Administrative Law Judge or the PLCB.

§ 5.207. Records.

(a) A licensee that has obtained RAMP certification shall keep the following records:

(1) A current list of all members of the licensee's alcohol service personnel, including the name of the employee, date of hire, date of training (owner/manager and server/seller) and date of new employee orientation.

(2) Date of licensee's certification.

(3) New employee orientation checklist(s), as explained in § 5.205(b)(3) (relating to RAMP certification prerequisites).

(4) Responsible alcohol service signs it posted, where and when the signs were posted, revised and reposted.

(b) These records shall be maintained as part of the licensee's operating records required to be kept for 2 years in accordance with section 493(12) of the Liquor Code (47 P.S. § 4-493(12)).

CURRICULUM FOR SERVER/SELLER TRAINING

§ 5.211. Curriculum for server/seller training.

Any individual or entity that wants to offer server/seller training must use the standard curriculum provided by the Bureau of Alcohol Education or an alternative curriculum that has been approved for use by the PLCB.

§ 5.212. Standard curriculum.

(a) The PLCB makes available, on the BAE's page on the PLCB's web site, an electronic link to the PLCB's standard curriculum and a manual to be used by students. If an individual or entity requests the PLCB to provide this information in hard copy by means of mail, the PLCB will assess a flat fee, pursuant to an established fee schedule, for printing and mailing the information. The fee schedule will be published on the BAE's page on the PLCB's web site.

(b) The standard curriculum includes instruction on detecting signs of impairment and intoxication, identifying underage individuals and detecting false identifications, including those that are altered, counterfeit or

borrowed. Instruction will focus on the practical application of the skills necessary to properly check identification, prevent intoxication and refuse service.

§ 5.213. Alternative curriculum.

(a) The PLCB makes available, on the BAE's page on the PLCB's web site, an electronic link to guidelines for submitting an alternative curriculum to be approved by the PLCB, along with an electronic link to the most current version of the PLCB's Web Trainee Transfer Service requirements. If an individual or entity requests the PLCB to provide this information in hard copy through mail, the PLCB will assess a flat fee, under an established fee schedule, for printing and mailing the information. The fee schedule will be published on the BAE's page on the PLCB's web site.

(b) The PLCB is authorized to approve the use of an alternative curriculum and student manual developed by another person or entity for use by an online training provider or a classroom instructor. An application for approval of the alternative curriculum and student manual must be accompanied by a nonrefundable \$250 application fee. The PLCB may approve the use of the alternative curriculum and student manual if they are equivalent to or exceed the PLCB's standard curriculum.

(c)(1) In the event that the alternative curriculum and student manual are not equivalent to or do not exceed the PLCB's standard curriculum and student manual, the PLCB will advise the applicant in writing as to the deficiencies within 90 days of receiving the alternative curriculum, student manual and fee.

(2) The applicant will have 60 days from the date of the notification to complete the required changes to the alternative curriculum and resubmit it for evaluation. If the alternative curriculum and student manual still do not meet or exceed the PLCB's standard curriculum and student manual, the PLCB will again advise the applicant in writing as to the deficiencies. The applicant will then have 30 days from the date of the second notification to complete the required changes to the online training program and provide access to the PLCB for a final evaluation of the alternative curriculum. The resubmission under this subsection does not require the payment of an additional fee.

(i) If the alternative curriculum still includes deficiencies after the third submission to the PLCB, the PLCB will send a notice to the applicant by United States mail that the alternative curriculum will not be approved and that the application is closed. No refund will be given to the applicant.

(ii) The PLCB will not accept, for a minimum of 1 year from the date of the notice advising the applicant that the application was closed, another application for alternative curriculum approval from the applicant. Applications will only be accepted during a period of open enrollment, which shall be posted on the BAE's page on the PLCB's web site.

(3) If the applicant has rectified the deficiencies in the alternative curriculum and student manual and they are approved by the PLCB, the applicant shall submit a clean, final copy of the approved alternative curriculum and the student manual.

ONLINE TRAINING PROVIDERS AND PROGRAMS FOR SERVER/SELLER TRAINING

§ 5.221. Online training provider application.

(a) A person who wants to become an authorized online training provider of server/seller training shall submit an

application for authorization issued by the PLCB and pay a nonrefundable application fee of \$850, as well as a separate fee for a criminal record check.

(1) The PLCB will only accept applications during scheduled open enrollment periods, which shall be posted on the BAE's page on the PLCB's web site. The PLCB reserves the discretion to limit the number and frequency of open enrollment periods based on operational restrictions.

(b) The minimum qualifications of an online training provider are the same as the minimum qualifications of a classroom instructor, as set forth in § 5.231(b) (relating to classroom instructor application), except that online training providers are not required to attend owner/manager training.

(c) The applicant shall submit, for approval, a proposed online training program that must be approved by the PLCB before the PLCB will issue a notice of authorization to the online training provider.

§ 5.222. Online training program approval process.

(a) The online training program must be based on the PLCB's standard curriculum or an alternative curriculum that has been approved by the PLCB.

(1) Within 120 days of receiving the standard curriculum or approval to use an alternative curriculum, the applicant shall provide the PLCB with access to the proposed online training web site, including necessary login information for the purpose of viewing content and testing the web site.

(2) If the applicant requires more than 120 days to provide the PLCB with access to the proposed online training web site, the applicant may request an extension in writing, by letter or by e-mail. The PLCB may grant a 30-day extension for temporary, nonrecurring exigencies, such as instructor illness or family emergency, bad weather or other circumstances beyond the instructor's control.

(3) If the applicant does not provide the PLCB access to the proposed online training web site by the deadline provided by the PLCB, the application will be denied and no refund will be given to the applicant.

(b) Upon receipt of the applicant's proposed online training program, the PLCB will review and test the proposed online training program. While the online training program is under review by the PLCB, the applicant may not advertise the availability of the online training program or provide public access to the online training program.

(c) The PLCB will determine whether an applicant's online training program meets the minimum standards set forth in § 5.223 (relating to minimum standards of the online training program).

(d) After the initial evaluation, the PLCB will, if necessary, notify the applicant of any required changes that need to be made to the online training program. The applicant will have 60 days from the date of the notification to complete the required changes to the online training program and provide access to the PLCB for a second evaluation of the online training program.

(e) After the second evaluation, the PLCB will, if necessary, again notify the applicant of any required changes that need to be made to the online training program. The applicant will have 30 days from the date of the notification to complete the required changes to the

online training program and provide access to the PLCB for a final evaluation of the online training program.

(1) If the online training program still requires changes after the third submission to the PLCB, the PLCB will send a notice to the applicant by United States mail that the online training program will not be approved and that the application is closed. No refund will be given to the applicant.

(2) The PLCB will not accept, for a minimum of 1 year from the date of the notice advising the applicant that the application was closed, another application for online training program approval from the applicant. Applications will only be accepted during a period of open enrollment, which shall be posted on the BAE's page on the PLCB's web site. See § 5.221(a) (relating to online training provider application).

(f) If the applicant meets the minimum requirements and the PLCB has approved that person's proposed online training program, the PLCB will issue to the online training provider a notice of authorization.

(g) The period of authorization shall be 1 year from the date of issuance of the notice of authorization. The renewal of authorization is addressed in § 5.225 (relating to renewal of authorization).

§ 5.223. Minimum standards of the online training program.

(a) *Program features.*

(1) The program content for the online training program must be either the standard curriculum or an approved alternative curriculum. Material changes to the curriculum may not be made without the approval of the PLCB.

(2) The online training program must cover topics required by the PLCB. The topics must be grouped into training modules. For some topics, the online training program must include mandatory language. The required topics, the mandatory language and the PLCB's final examination will be made available to the applicant by the PLCB.

(3) The online training program must include knowledge checks at the end of each training module. Knowledge checks ensure that a student is properly reviewing and understanding the program content. The online training program must require a student to correctly answer questions based on course content. These questions should be designed to evaluate the student's comprehension of each training module before students are permitted to advance to the next training module.

(4) The online training program must use the PLCB's final examination.

(5) The online training program must consist of at least 1 1/2 hours of instructional time.

(6) The online training program must contain any disclaimers required by the PLCB, which the PLCB will provide to the applicant.

(b) *Program availability.*

(1) Every online training provider shall make its online training program available to the general public.

(2) An online training provider shall require a student to register for the online training program by using specific personal identifiers provided by the PLCB.

(i) The online training program must provide the opportunity for a student to confirm and edit the information submitted in the registration process before proceeding.

(ii) The registration process must require the student to provide an e-mail address.

(iii) As soon as the student has completed the registration process, the online training program must send the student an e-mail confirming the student's registration with that online training program. The e-mail must include a hyperlink to the online training program.

(3) If the online training provider offers training vouchers for licensees to purchase for the future use of the licensee's employees, the online training provider's web site must meet the requirements set forth in § 5.226 (relating to training vouchers).

(c) *Program functionality.*

(1) All text on each page or screen of the online training program must be narrated.

(2) Each page or screen of the online training program must be numbered.

(3) Each page or screen of the online training program must be timed so that a student may not advance to the next page or screen without having sufficient opportunity to review the contents of the current page or screen.

(4) Knowledge checks must be incorporated throughout the training.

(5) The online training program must require the student to answer security questions during registration that will be used, at random intervals, to validate student identity and participation throughout the course.

(6) The online training program must allow a student to pause and review previous pages or screens at any time.

(7) The online training program must allow a student to save progress in the program content, log out and resume the online training program at a later time. Once the student has begun the final examination however, logging out of the training program must not be permitted, as explained in subsection (d)(1)(i).

(d) *Final Examination.*

(1) At the conclusion of the online training program, the student shall be required to complete the PLCB's final examination.

(i) The student shall have one attempt at the final examination. The student shall not be permitted to log out of the final examination and resume the final examination at a later time.

(ii) Questions in the PLCB's final examination must be randomized by the online training provider.

(iii) The student shall not be able to print the final examination.

(2) The online training program must immediately score the final examination and immediately notify the student of that score. A score of 80% or better is required to pass the final examination.

(i) The online training program must be able to allow a student who receives a passing score on the final examination to print a certificate of completion provided by the PLCB.

(ii) A student who does not receive a passing score on the final examination may re-register for an online training program. However, the student may not retake the final examination without taking the online training program again.

(3) The online training program must provide each student with access to a manual.

(i) If the online training program is using the PLCB's standard curriculum, then the student shall be provided with the manual for that curriculum.

(ii) If the online training program is based on an alternative curriculum that has been approved by the PLCB, then the student shall be provided with the manual for that curriculum.

(iii) Manuals may not be printed until the conclusion of the final examination.

(iv) Manuals may not be provided to anyone not participating in an approved online training program.

(e) *Security and technology.*

(1) The online training program must comply with the most current version of the PLCB's Web Trainee Transfer Service requirements, as referenced in § 5.213(a) (relating to alternative curriculum).

(2) The online training program must encrypt, at all times, any personally identifiable information protected by law, including but not limited to a student's social security number or date of birth. The online training provider shall not sell or use this information for any purpose other than for identification by the online training provider and verification by the PLCB.

(3) The online training program must comply with any and all applicable Federal and State laws and regulations related to information security.

§ 5.224. Online training provider responsibilities.

Online training providers have the responsibility to do the following:

(1) Using the standard curriculum provided by the PLCB, or an alternative curriculum approved by the PLCB, provide students, by means of an online training program, with information regarding the current status of the law on issues regarding the sale or service of alcoholic beverages by licensees.

(2) Provide the PLCB with unlimited vouchers or pass codes that will allow the PLCB to access the online training program free of charge for review purposes.

(3) Train at least 225 students per year. Online training providers may request a waiver of the minimum requirements in this paragraph by sending a letter or e-mail to the PLCB. The PLCB will waive the requirements for minimum training activity for online training providers due to temporary, nonrecurring exigencies, such as online training provider illness or family emergency, bad weather or other circumstances beyond the online training provider's control.

(4) Provide accurate records of a student's completion of online training to the PLCB immediately following the online training by electronically transmitting the necessary electronic data regarding the student.

(i) Records must be sent in real-time or in frequent batch submissions not more than 15 minutes after completion of the final examination.

(ii) The online training provider shall monitor submissions daily and resolve, within 24 hours, any error message received from the PLCB indicating that the submission was not processed. If the error message cannot be resolved within 24 hours, the online training provider shall immediately notify the PLCB.

(iii) The online training provider shall maintain all records of online training sessions for a minimum of 2 years.

(5) Attend instructor meetings as scheduled by the PLCB.

(6) Refer all questions relating to course content to the PLCB.

(7) Provide technical support to students by means of telephone, internet chat exchange or e-mail. Technical support must be timely and accurate. Any technical support inquiry from a student must be resolved within 2 business days.

(8) Acknowledge or respond to e-mails, telephone calls or any other contacts placed by the PLCB, licensees or trainees, or both, within 48 hours.

(9) Submit all forms of correspondence used for marketing purposes to the PLCB for approval prior to dissemination. An online training provider shall not use any forms of correspondence for marketing purposes that have not been approved by the PLCB.

(10) With regard to changes to program content:

(i) Make required changes to written program content by the date provided by the PLCB.

(ii) Block public access to the program content until the required changes have been made and approved by the PLCB.

(iii) Refrain from making material changes to online training program content without being required to do so by the PLCB or without receiving approval from the PLCB to make the material changes.

(A) If the online training provider wants to make a material change to the online training program, the online training program must be submitted for review and approval, under the procedure set forth in § 5.213 (relating to alternative curriculum), along with a nonrefundable fee of \$250 as required by that section, unless the changes were required by the PLCB.

(11) With regard to security and technology:

(i) Provide the PLCB with notice of any system enhancements or modifications, including upgrades and new versions and releases.

(ii) Report, in accordance with the Breach of Personal Information Notification Act (73 P.S. §§ 2301—2329), any breach of system security or unauthorized release of personally identifiable information.

(iii) Report to the PLCB, within 24 hours, any system failure that prevents compliance with any of the requirements of this regulation.

(iv) Ensure the correction of a system failure within 7 calendar days.

(12) Notify the PLCB within 7 days of a change in the online training provider's telephone number, e-mail address or physical address and provide the PLCB with the new telephone number, e-mail address or physical address.

§ 5.225. Renewal of authorization.

(a) At least 30 days prior to the expiration of the online training provider's authorization, the online training provider shall submit an application for renewal of authorization, which will be provided by the PLCB.

(1) If the online training provider does not want to make material changes to the online training program

from the last time it was approved by the PLCB, the online training provider shall certify that no material changes were made to the online training program after it was last approved by the PLCB. In addition, the online training provider shall submit a \$600 fee with the online training provider's application for renewal of authorization, as well as a separate fee for a criminal record check.

(2) If the online training provider wants to make material changes to the online training program, then a \$850 fee must accompany the online training provider's application for renewal of authorization, as well as a separate fee for a criminal record check. The online training provider shall use the online training program approved by the PLCB until the notice of authorization has been renewed. The online training provider shall submit hard copy screen shots of the online training program that incorporates the material changes. The online training provider shall submit no more than two screen shots per one side of an 8 1/2 by 11 inch piece of paper. The screen shots may be in color or black and white.

(b) *Untimely applications for authorization renewal.*

(1) The PLCB may accept an application for renewal of authorization that is filed less than 30 days before the expiration of the current authorization, but not after expiration, if the applicant includes an additional filing fee of \$100.

(2) The PLCB will not accept an application for renewal of authorization that is filed after the expiration of the current authorization.

(3) As of the date of the expiration of an online training provider's authorization, the following will no longer be valid:

(i) Training that is completed by a student after the date of expiration.

(ii) Any training vouchers issued by an online training provider that have not been redeemed and training completed.

(4) As of the date of the expiration of the online training provider's authorization, the online training provider is prohibited from allowing public access to its online server/seller training for server/sellers in this Commonwealth.

(5) The PLCB will not accept, for a minimum of 1 year from the date of expiration, an application from an online training provider whose authorization has expired. Under these circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a period of open enrollment, which shall be posted on the BAE's page on the PLCB's web site. See § 5.221(a) (relating to online training provider application).

§ 5.226. Training vouchers.

(a) The online training provider may sell training vouchers for future use by a licensee's employees. A licensee may purchase training vouchers in bulk for future use by its employees.

(b) Training vouchers are valid for as long as the online training provider is authorized to provide server/seller training.

§ 5.227. Deauthorization of online training providers.

(a) The PLCB will send a notice of violation to an online training provider by certified United States mail if the online training provider is:

(1) Failing to meet the minimum standards of the online training program set forth in § 5.223 (relating to minimum standards of the online training program).

(2) Failing to meet the responsibilities set forth in § 5.224 (relating to online training provider responsibilities).

(3) Engaging in prohibited conduct set forth in § 5.251 (relating to additional prohibited conduct).

(b) The notice of violation will give the online training provider a deadline by which the violation must be remedied. The amount of time given to remedy the violation will vary depending upon the complexity of the circumstances and may be up to 60 days. The notice of violation may advise the online training provider that its authorization is temporarily suspended, pending resolution of the violation.

(1) If the online training provider receives a notice that its authorization is temporarily suspended, the online training provider must immediately prohibit all students from accessing the online training program until the violation that prompted the suspension has been resolved.

(c) If the violation is not remedied by the deadline, or if the PLCB has grounds to issue a second notice of violation within the same authorization year as the first notice of violation, the PLCB will send a notice of deauthorization to an online training provider by certified United States mail. An appeal of the PLCB's decision to deauthorize shall be in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(1) If the online training provider receives a notice that it has been deauthorized, the online training provider shall immediately:

(i) Render the online training program inaccessible by new students;

(ii) Contact, by e-mail, all students who have started the course but not finished it and advise them to finish it within 14 days after the date of deauthorization;

(iii) Contact, by e-mail or by telephone, the purchasers of all unredeemed vouchers and advise them that the online training program is no longer authorized; and

(iv) Remit refunds to all purchasers of vouchers that have not been redeemed. The online training provider shall refund the amount for these vouchers at the same bulk rate that the purchaser paid.

(d) The PLCB will not accept, for a minimum of 1 year from the notice of deauthorization, an application from an online training provider that has been issued a notice of deauthorization. Under these circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a period of open enrollment. See § 5.221(a) (relating to online training provider application).

CLASSROOM INSTRUCTORS OF SERVER/SELLER TRAINING

§ 5.231. Classroom instructor application.

(a) A person desiring authorization to be a classroom instructor shall submit an application issued by the PLCB and pay a \$500 nonrefundable application fee, as well as a fee for a criminal record check.

(1) The PLCB will only accept applications during scheduled open enrollment periods. The PLCB reserves the discretion to limit the number and frequency of open enrollment periods based on operational restrictions.

(b) The minimum qualifications of a classroom instructor include the following:

- (1) Possessing a high school diploma or GED.
- (2) Within the previous 5 years, having a minimum of 2 years of experience, full-time, as a trainer or in giving presentations in the field of education, law, law enforcement, substance abuse prevention, hospitality related to hotel/restaurant management or alcohol service training or other equivalent combination of experience and training.
- (3) Being 21 years of age or older.
- (4) Having no convictions that are related to alcohol, narcotics or other controlled substances and having no felony convictions in the previous 10 years.
- (5) Attending owner/manager training once in the year preceding the date the application for instructor authorization is filed. Classroom instructors shall attend the owner/manager training in a classroom setting.

§ 5.232. Classroom instructor approval process.

(a) Applicants shall attend a 2-day mandatory training session in Harrisburg before the PLCB will issue a notice of authorization. An applicant who does not attend and complete the 2-day training session will be disqualified from consideration as a classroom instructor.

(b) The PLCB shall issue a notice of authorization to those applicants who have successfully completed the training session. The period of authorization shall be 1 year from the date of issuance of the notice of authorization. The classroom instructor is required to successfully complete a probationary period.

(1) Within the first 3 months of probation, the PLCB will evaluate the classroom instructor at least once. There are five possible evaluation ratings: Outstanding, Commendable, Satisfactory, Needs Improvement or Unsatisfactory.

(i) The classroom instructor must receive an “Outstanding,” “Commendable” or “Satisfactory” rating to successfully complete the probationary period.

(ii) If the classroom instructor receives a “Needs Improvement” rating, the classroom instructor will be re-evaluated by the PLCB at any time within the next 3 months. Upon re-evaluation, the classroom instructor must receive an “Outstanding,” “Commendable” or “Satisfactory” rating to successfully complete the probationary period. If the classroom instructor does not, the PLCB will terminate the classroom instructor’s notice of authorization.

(iii) If the classroom instructor receives an “Unsatisfactory” rating, the PLCB will terminate the classroom instructor’s notice of authorization.

(iv) “Termination” will be treated the same as deauthorization for purposes of § 5.236 (relating to deauthorization of classroom instructors).

§ 5.233. Minimum standards of classroom training.

(a) A classroom instructor shall conduct training sessions conforming to either the PLCB’s standard curriculum or an alternative curriculum approved by the PLCB.

(1) Each training session must consist of at least 2 1/2 hours of uninterrupted instructional time, not including time spent reviewing information with students or administering the final examination. Each training session must be taught in one session from start to finish.

(2) The ratio of students per classroom instructor may not exceed 40 to 1.

(b) A classroom instructor shall notify the PLCB of the following:

(1) At least 7 calendar days in advance of scheduling any training session. A classroom instructor shall provide notification to the BAE through the BAE’s page on the PLCB’s web site.

(2) Immediately of any training session cancellation. A classroom instructor shall provide notification to the PLCB by telephone or by e-mail.

(3) Immediately of any changes to the training schedule. A classroom instructor shall provide notification to the PLCB by telephone or by e-mail.

(c) A classroom instructor shall obtain the student information indicated in paragraphs (1)—(4) at the beginning of the training session. A classroom instructor shall send a completed attendance sheet to the PLCB within 7 days of the end of the training session, including the following information from each student:

- (1) Name.
- (2) Home address and e-mail address.
- (3) Telephone number.
- (4) Student identification number issued by the PLCB.
- (5) Licensed establishment name, address and licensee identification.
- (6) Time, date and location of training.
- (7) Pass/fail score on the test.

(d) At the conclusion of the training, the classroom instructor shall administer a final examination prepared by the PLCB, ensuring that students complete the final examination individually, as a closed book examination, without access to references or assistance from others to aid in the completion of the final examination.

(e) Within 7 days, the classroom instructor shall grade the final examinations and notify students of their grades. A score of 80% or better is required to pass. The classroom instructor shall provide a standard participant wallet card to each student who passes the final examination. These wallet cards are provided to the classroom instructor by the PLCB. A student who does not pass the final examination may, at the first opportunity, schedule training and take the final examination again. However, the student may not retake the final examination without receiving the training again.

§ 5.234. Classroom instructor responsibilities.

Classroom instructors have the responsibility to do the following:

(1) While on probationary status, the classroom instructor shall adhere to all of the PLCB’s Regulations and Probationary Status Instructor policies that will be provided by the PLCB.

(2) Using the standard curriculum provided by the PLCB, or an alternative curriculum approved by the PLCB, provide students with information regarding the current status of the law on issues regarding the sale or service of alcoholic beverages by licensees. Classroom instructors shall provide each student with a student manual that corresponds to the standard curriculum or an alternative curriculum approved by the PLCB.

(i) A classroom instructor shall refrain from making any material changes to the standard curriculum without being required to do so by the PLCB.

(ii) A classroom instructor shall refrain from making any material changes to an alternative curriculum without first receiving approval from the PLCB to make the proposed modifications or changes.

(iii) If the classroom instructor wants to make material changes to either the standard curriculum or an approved alternative curriculum, the classroom instructor must submit the curriculum, including the material changes, to the BAE for review and approval, in accordance with the provisions of § 5.213(b) (relating to alternative curriculum), unless the changes were required by the PLCB.

(3) Schedule training sessions in locations throughout this Commonwealth.

(4) Conduct at least two training sessions per quarter and train at least 225 students per year. Classroom instructors may request a waiver of the minimum requirements in this paragraph by sending a letter or e-mail to the PLCB. The PLCB will waive the requirements for minimum training activity for instructors due to temporary, nonrecurring exigencies, such as instructor illness or family emergency, bad weather or other circumstances beyond the instructor's control.

(5) Provide accurate records of attendance and course completion, as required under § 5.233(c) (relating to minimum standards of classroom training), to the PLCB within 7 calendar days following each training session through the BAE's page on the PLCB's web site. Original attendance sheets must be submitted to the PLCB by first class United States mail, other delivery or express service or by e-mail.

(6) Attend instructor meetings as scheduled by the PLCB.

(7) Attend in-class owner/manager training at least once per year.

(8) Acknowledge or respond to e-mails, telephone calls or any other contacts placed by the PLCB, licensees and/or trainees within 48 hours.

(9) Submit all forms of correspondence used for marketing purposes to the PLCB for approval prior to dissemination. A classroom instructor shall not use any forms of correspondence for marketing purposes that have not been approved by the PLCB.

(10) Notify the PLCB within 7 days of a change in the classroom instructor's telephone number, e-mail address or physical address and provide the PLCB with the new telephone number, e-mail address or physical address.

§ 5.235. Renewal of authorization.

(a) At least 30 days prior to the expiration of the classroom instructor's authorization, the classroom instructor shall submit an application for renewal of authorization, which will be provided by the PLCB. A \$300 fee must accompany the classroom instructor's application for renewal of authorization, as well as a separate fee for a criminal record check.

(b) If the classroom instructor is using an alternative curriculum, the classroom instructor shall submit a copy of the most recently PLCB-approved curriculum with the application for renewal of authorization. If the classroom instructor is using the standard curriculum, the classroom instructor need not submit a copy of the standard curriculum with the application for renewal of authorization.

(1) If the classroom instructor does not want to make material changes to the alternative curriculum from the last time it was approved by the PLCB, no additional fee is required.

(2) If the classroom instructor wants to make material changes to the alternative curriculum, then an additional \$250 fee, for a total of \$550, must accompany the classroom instructor's application for renewal of authorization. The classroom instructor shall use the alternative curriculum approved by the PLCB until the notice of authorization has been renewed.

(c) *Untimely applications for authorization renewal.*

(1) The PLCB may accept an application for authorization renewal that is filed less than 30 days before the expiration of the current authorization, but not after expiration, if the applicant includes an additional filing fee of \$100.

(2) The PLCB will not accept an application for renewal of authorization that is filed after the expiration of the current authorization.

(3) The PLCB will not accept, for a minimum of 1 year from the date of expiration, an application from a classroom instructor whose authorization has expired. Under these circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a period of open enrollment. See § 5.231(a) (relating to classroom instructor application).

§ 5.236. Deauthorization of classroom instructors.

(a) The PLCB will send a notice of violation to a classroom instructor by certified United States mail if the classroom instructor is:

(1) Failing to meet the minimum standards of classroom training set forth in § 5.233 (relating to minimum standards of classroom training).

(2) Failing to meet the responsibilities set forth in § 5.234 (relating to classroom instructor responsibilities).

(3) Engaging in prohibited conduct set forth in § 5.251 (relating to additional prohibited conduct).

(b) The notice of violation will give the classroom instructor a deadline if the violation can be remedied. The amount of time given to remedy the violation will vary depending upon the complexity of the circumstances.

(c) If the violation is not remedied by the deadline, or if the PLCB has grounds to issue a second notice of violation within the same authorization year as the first notice of violation, the PLCB will send a notice of deauthorization to the classroom instructor by certified United States mail. An appeal of the PLCB's decision to deauthorize shall be in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(d) The PLCB will not accept, for a minimum of 1 year from the notice of deauthorization, an application from a classroom instructor that has been issued a notice of deauthorization. Under these circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a period of open enrollment. See § 5.231(a) (relating to classroom instructor application).

§ 5.241. (Reserved).

§ 5.242. (Reserved).

§ 5.243. (Reserved).

ADDITIONAL PROHIBITED CONDUCT

§ 5.251. **Additional prohibited conduct.**

The PLCB may deauthorize classroom instructors or online training providers for violating any of the provisions of this subchapter or engaging in the following conduct:

(1) Discrimination or harassment based on age, race, sex, disability, national origin or religion, or any other protected class under the Pennsylvania Human Relations Act (43 P.S. §§ 951—963).

(2) An act that is in violation of the Liquor Code or this title.

(3) An act resulting in a misdemeanor or felony conviction.

(4) An act resulting in admittance into an Accelerated Rehabilitative Disposition (ARD) program if the underlying activity is related to alcoholic beverages, narcotics or controlled substances.

(5) Being under the influence of alcoholic beverages, narcotics or controlled substances during training presentations, breaks, or the final examination.

(6) Knowingly permitting students to be under the influence of alcoholic beverages, narcotics or controlled substances during training presentations, breaks, or the final examination.

(7) Cheating or condoning cheating by students.

(8) Knowingly providing false information on reports submitted to the PLCB.

§ 5.261. (Reserved).

§ 5.271. (Reserved).

[Pa.B. Doc. No. 21-1378. Filed for public inspection August 27, 2021, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 801a—817a AND 830a]

Interactive Gaming

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13B02 (relating to regulatory authority), adds Chapters 801a—817a and 830a regarding interactive gaming to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This final-form rulemaking establishes the regulatory oversight structure for the conduct of interactive gaming in this Commonwealth.

Explanation

Subpart L (relating to interactive gaming) establishes the regulations necessary for the Board to issue interactive gaming certificates slot machine licensees and qualified gaming entities who wish to offer interactive gaming, as well as the licensing of the principals and key

employees of the certificate holders and other entities involved. In addition, Subpart O (relating to fantasy contests) provides rules for player accounts, licensed operator duties and restrictions, and accounting and internal controls governing the conduct of interactive gaming. Finally, Subpart L addresses advertising, compulsive and problem gambling, and self-exclusion of players from interactive gaming in this Commonwealth.

Subpart L establishes a broad regulatory oversight structure for interactive gaming. Section 801a.2 (relating to definitions) provides definitions of terms used throughout Subpart L for the conduct of interactive gaming.

Chapters 802a—808a of this final-form rulemaking establish the categories of certificates and licenses based upon the statutory criteria for the issuance of interactive gaming certificates and licensure in 4 Pa.C.S. Chapter 13B (relating to interactive gaming). Slot machine licensees, and out-of-State entities who are deemed to be qualified gaming entities, may apply for issuance of interactive gaming certificates to offer one or more of the three forms of interactive gaming (peer-to-peer, non-peer-to-peer slots and non-peer-to-peer table games). The categories of entities subject to licensure include interactive gaming operators, interactive gaming manufacturers, interactive gaming suppliers, interactive gaming service providers, and the principals and key employees of these entities.

Chapter 809a (relating to interactive gaming platform requirements) establishes the technical requirements for the interactive gaming platform provided by interactive gaming certificate holders or interactive gaming operators. Chapter 810a (relating to interactive gaming testing and controls) establishes the procedures for the testing and control aspects of the interactive gaming platform.

Chapter 811a (relating to interactive gaming accounting and internal controls) establishes the requirements and procedures for the revenue accounting and reporting of interactive gaming as well as other reporting requirements. Chapter 812a (relating to interactive gaming player accounts) sets forth the requirements for an individual’s interactive gaming player account, including the procedures for the creation of an account, funding of player accounts and withdrawal of funds and setting responsible gaming limits.

Chapter 813a (relating to interactive gaming advertisements, promotions and tournaments) establishes the standards for interactive gaming advertising and promotions, including the requirements for the co-branding of ads to disclose the interactive gaming certificate holder. Chapter 814a (relating to compulsive and problem gambling requirements) and Chapter 815a (relating to interactive gaming self-excluded persons) address the options available for players to set responsible gaming limits or to self-exclude from interactive gaming.

Chapter 816a (relating to interactive gaming live studio) provides the framework for live studio simulcasting of casino table games in interactive gaming. Chapter 817a (relating to interactive gaming commencement of operations) establishes the requirements for an entity to begin offering interactive gaming. Chapter 830a (relating to multiuse computing device gaming provisions) provides the regulatory framework for interactive gaming in eligible airports in this Commonwealth.

In the Board’s temporary regulations and the proposed rulemaking, an entity that possessed interactive gaming certificates was termed a “certificateholder.” For consistency with 4 Pa.C.S. Chapter 11 (relating to Pennsylvania

Race Horse Development and Gaming Act) and the Board's existing body of regulations, this term has been replaced throughout Annex A of this final-form rulemaking to "certificate holder." The original term has not been bolded with strikethrough text, and the new term is not bolded and capitalized.

Other minor administrative changes are made in this final-form rulemaking, based upon how the interactive gaming industry operated under the temporary regulations and inquiries received from the industry regarding certain provisions of the temporary regulations and the proposed rulemaking. None of these amendments in this final-form rulemaking create an increased cost or regulatory burden on the regulated community, and all of the amendments are necessary for the efficient and effective oversight of interactive gaming operations in this Commonwealth.

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:

1. *Protection of the public health, safety and welfare; implementation procedures.*

The Board acted with all possible due diligence in getting the final-form regulations promulgated to regulate the interactive gaming industry. After the passage of the act of October 30, 2017 (P.L. 419, No. 42), the Board was tasked with promulgating regulations for five separate forms of expanded gaming in rapid succession. In December 2020, Governor Tom Wolf signed the act of November 23, 2020 (P.L. 1140, No. 114), making amendments to the Fiscal Code of the Commonwealth that 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 interactive gaming, originally adopted in five different packages, expired or do not expire until varying dates between January 6, 2021, and March 9, 2022. To date, the Board has not had any issues involved in the regulatory oversight of interactive gaming.

2. *Compliance with the Regulatory Review Agenda and regulations of IRRC.*

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

3. *§ 811a.2. Internal controls—clarity and lack of ambiguity.*

The definition of "personal identifiable information" has been moved to § 801a.2 to provide clarity on the use of the term in the regulations.

4. *§ 812a.13. Dormant accounts—nonregulatory language.*

This section has been updated to reflect the recommended change. Additionally, this section has been re-ordered, moving what was subsection (b) ahead of what was subsection (a), to make more logical sense in describing how an account becomes dormant.

5. *Chapter 815a. Interactive gaming self-excluded persons—protection of the public health, safety and welfare; clarity and lack of ambiguity.*

This chapter has been updated to mirror, when appropriate, the provisions included in final-form rulemaking # 125-225.

Fiscal Impact

Commonwealth. The Board expects that this final-form rulemaking will have a relatively small fiscal impact on the Board and other Commonwealth agencies, which primarily is the result of the need for some additional personnel to process and review applications, as well as to monitor and regulate the conduct of interactive gaming. Most of the additional duties will be absorbed by existing Board staff. The costs of the final-form regulations will be paid for by an assessment against the licensed interactive gaming certificate holder's interactive gaming revenue as determined by the Department of Revenue.

Political subdivisions. This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This final-form rulemaking will not have a fiscal impact on the private sector other than for those who elect to participate in interactive gaming. If pursued by an entity, there will be licensing costs as set forth by 4 Pa.C.S. Chapter 13B to offer interactive gaming as a certificate holder or operator, or to be licensed as a manufacturer, supplier or gaming service provider.

General public. This final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

A slot machine licensee who wishes to offer interactive gaming must file a Petition for Issuance of Interactive Gaming Certificates, as well as any necessary licensure applications for principals, key employees, gaming and nongaming employees.

An interactive gaming operator, interactive gaming manufacturer, interactive gaming supplier, interactive gaming service provider and principals, key employees and gaming and nongaming employees thereof involved in the provision of interactive gaming in this Commonwealth will be required to file applications with the Board providing information regarding the person's proposed activity, as well as accounting and internal control protocols and background information of each individual sufficient to permit the Board to determine the individual's suitability for licensure.

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

A game offered in a live studio environment in accordance with these regulations must have a rules submission form filed. The rules submission forms may be found on the Board's web site.

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)), the Board submitted a copy of the proposed rulemaking, published at 50 Pa.B. 4248 (August 22, 2020) and a copy of the Regulatory Analysis Form to IRRC and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees are provided with copies of comments received during the public comment period, as well

as other documents when requested. With regard to this final-form rulemaking, no comments were received from the Committees.

Under section 5.1(j.2) of the Regulatory Review Act, on May 19, 2021, the final-form rulemaking was deemed approved by the Committees. IRRC met on May 20, 2021, and approved the regulations in accordance with section 5.1(e) of the Regulatory Review Act.

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 promulgated 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 Chapters 801—815, 817, 818, 830 and 801a—815a, 817a, 830a, are amended by adding §§ 801a.1—801a.4, 802a.1—802a.3, 803a.1—803a.4, 804a.1—804a.4, 805a.1—805a.6, 806a.1—806a.6, 807a.1—807a.9, 808a.1—808a.8, 809a.1—809a.8, 810a.1—810a.12, 811a.1—811a.9, 812a.1—812a.14, 813a.1—813a.5, 814a.1—814a.6, 815a.1—815a.8, 817a.1—817a.3 and 830a.1—830a.11, and deleting §§ 801.1—801.4, 802.1—802.3, 803.1—803.3, 804.1—804.4, 805.1—805.7, 806.1—806.7, 807.1—807.9, 808.1—808.8, 809.1—809.8, 810.1—810.13, 811.1—811.9, 812.1—812.14, 813.1—813.5, 814.1—814.6, 815.1—815.8, 817.1, 818.1—818.3 and 830.1—830.11 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. 3210 (June 5, 2021) for IRRC’s approval order.)

Fiscal Note: Fiscal Note 125-229 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart L. INTERACTIVE GAMING

(Editor’s Note: The term “certificateholder,” found in the proposed rulemaking, has been changed throughout the text of the final-form rulemaking to “certificate holder” for consistency.)

CHAPTER 801. (Reserved)

Sec.
801.1—801.4. (Reserved).

CHAPTER 802. (Reserved)

Sec.
802.1—802.3. (Reserved).

CHAPTER 803. (Reserved)

Sec.
803.1—803.3. (Reserved).

CHAPTER 804. (Reserved)

Sec.
804.1—804.4. (Reserved).

CHAPTER 805. (Reserved)

Sec.
805.1—805.7. (Reserved).

CHAPTER 806. (Reserved)

Sec.
806.1—806.7. (Reserved).

CHAPTER 807. (Reserved)

Sec.
807.1—807.9. (Reserved).

CHAPTER 808. (Reserved)

Sec.
808.1—808.8. (Reserved).

CHAPTER 809. (Reserved)

Sec.
809.1—809.8. (Reserved).

CHAPTER 810. (Reserved)

Sec.
810.1—810.13. (Reserved).

CHAPTER 811. (Reserved)

Sec.
811.1—811.9. (Reserved).

CHAPTER 812. (Reserved)

Sec.
812.1—812.14. (Reserved).

CHAPTER 813. (Reserved)

Sec.
813.1—813.5. (Reserved).

CHAPTER 814. (Reserved)

Sec.
814.1—814.6. (Reserved).

CHAPTER 815. (Reserved)

Sec.
815.1—815.8. (Reserved).

CHAPTER 817. (Reserved)

Sec.
817.1. (Reserved).

CHAPTER 818. (Reserved)

Sec.
818.1—818.3. (Reserved).

CHAPTER 830. (Reserved)

Sec.
830.1—830.11. (Reserved).

CHAPTER 801a. GENERAL INTERACTIVE GAMING PROVISIONS

- Sec. 801a.1. Scope.
- 801a.2. Definitions.
- 801a.3. Certificate or license required.
- 801a.4. Initial and renewal certificate and license fees.

§ 801a.1. Scope.

The purpose of this subpart is to govern the operation of interactive gaming. The act and the Board’s regulations promulgated thereunder otherwise apply when not in conflict with this subpart.

§ 801a.2. Definitions.

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

Airport authority—Any of the following:

(i) The governing body of a municipal authority organized and incorporated to oversee the operations of a qualified airport under 53 Pa.C.S. §§ 5601—5623 (relating to Municipality Authorities Act).

(ii) A city of the first class that regulates the use and control of a qualified airport located partially in a county of the first class and partially in a county contiguous to a county of the first class.

Airport gaming area—A location within a qualified airport area approved by the airport authority and the Board for the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers.

Associated equipment—Any equipment or mechanical, electromechanical or electronic contrivance, component or machine used in connection with interactive gaming, including equipment which affects the proper reporting and counting of gross interactive gaming revenue, computerized systems for controlling and monitoring interactive games, including interactive gaming devices necessary for the operation of interactive games as approved by the Board.

Authorized interactive game—An interactive game approved by regulation of the Board to be suitable for interactive gaming offered by an interactive gaming certificate holder or an interactive gaming operator on behalf of an interactive gaming certificate holder in accordance with sections 13B01—13B63 of the act (relating to interactive gaming). The term includes an interactive game approved by regulation of the Board to be suitable for interactive gaming through use of a multiuse computing device.

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

Cash equivalent—An asset that is readily convertible to cash, including any of the following:

- (i) Chips or tokens.
- (ii) Travelers checks.
- (iii) Foreign currency and coin.
- (iv) Certified checks, cashier's checks and money orders.
- (v) Personal checks or drafts.
- (vi) A negotiable instrument applied against credit extended by a certificate holder, an interactive gaming certificate holder, an interactive gaming operator or a financial institution.
- (vii) A prepaid access instrument.
- (viii) Any other instrument or representation of value that the Board deems a cash equivalent.

Cheat—

(i) To defraud or steal from any player, interactive gaming certificate holder, interactive gaming operator or the Commonwealth while operating or playing an authorized interactive game, 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 which determine:

- (A) The result of an authorized interactive game.
- (B) The amount or frequency of payment in an authorized interactive game.
- (C) The value of a wagering instrument.
- (D) The value of a wagering credit.

(iii) The term does not include altering an interactive gaming device or associated equipment for maintenance or repair with the approval of an interactive gaming certificate holder or interactive gaming operator.

Cheating device—A device, software or hardware used or possessed with the intent to be used to cheat during the operation or play of any authorized interactive game. The term also includes any device used to alter an authorized interactive game or interactive gaming device or associated equipment without the interactive gaming certificate holder's or interactive gaming operator's approval.

Communication technology—Any method used and the components employed to facilitate the transmission and receipt of information, including transmission and reception by systems using wire, wireless, cable, radio, microwave, light, fiber optics, satellite or computer data networks, including the Internet and intranets.

Concession operator—A person engaged in the sale or offering for sale of consumer goods or services to the public at a qualified airport, or authorized to conduct other commercial activities related to passenger services at a qualified airport, in accordance with the terms and conditions of an agreement or contract with an airport authority, government entity or other person.

Conduct of gaming—The licensed placement, operation and play of interactive games under this subpart, as authorized and approved by the Board. The term includes the licensed placement, operation and play of authorized interactive games through the use of multiuse computing devices at a qualified airport under sections 13B20—13B20.7 of the act (relating to multi-use computing devices).

Contest—An authorized interactive game competition among players for cash, cash equivalents or prizes.

Eligible passenger—An individual 21 years of age or older who has cleared security check points with a valid airline boarding pass for travel from one destination to another.

Gaming employee—An employee of any of the following who the Board determines, after a review of the work to be performed, requires a gaming employee permit for the protection of the integrity of interactive gaming operations in this Commonwealth:

- (i) An interactive gaming certificate holder or interactive gaming operator.
- (ii) An interactive gaming manufacturer licensee or interactive gaming supplier licensee.
- (iii) An interactive gaming service provider.
- (iv) Any other person as determined by the Board.

Gaming-related restricted area—A room or area of a licensed facility which is specifically designated by the Board as restricted or by the interactive gaming certifi-

cate holder or interactive gaming operator as restricted in its Board-approved internal controls.

Gaming school—An educational institution approved by the Department of Education as an accredited college or university, community college, Pennsylvania private licensed school or its equivalent and whose curriculum guidelines are approved by the Department of Labor and Industry to provide education and job training related to employment opportunities associated with interactive games, including interactive gaming devices and associated equipment maintenance and repair.

Gross interactive airport gaming revenue—

(i) Revenue is the total of all cash or cash equivalent wagers paid by an eligible passenger to an interactive gaming certificate holder at a qualified airport through the use of multiuse computing devices in consideration for the play of authorized interactive games at a qualified airport through the use of multiuse computing devices, including cash received as entry fees for contests or tournaments, minus:

(A) The total of cash or cash equivalents paid out to an eligible passenger as winnings.

(B) The actual cost paid by the interactive gaming certificate holder at a qualified airport through the use of multiuse computing devices for personal property distributed to a player as a result of playing an authorized interactive game. This clause does not include travel expenses, food, refreshments, lodging or services.

(ii) Amounts deposited with an interactive gaming certificate holder for purposes of interactive gaming at a qualified airport through the use of multiuse computing devices and amounts taken in fraudulent acts perpetrated against an interactive gaming certificate holder for which the interactive gaming certificate holder is not reimbursed and shall not be considered to have been paid to the interactive gaming certificate holder for purposes of calculating gross interactive airport gaming revenue.

Gross interactive gaming revenue—

(i) The total of all cash or cash equivalent wagers paid by registered players to an interactive gaming certificate holder in consideration for the play of authorized interactive games, including cash received as entry fees for contests or tournaments, minus:

(A) The total of cash or cash equivalents paid out to registered players as winnings.

(B) The actual cost paid by the interactive gaming certificate holder for any personal property distributed to a player as a result of playing an authorized interactive game. This clause does not include travel expenses, food, refreshments, lodging or services.

(ii) Amounts deposited with an interactive gaming certificate holder for purposes of interactive gaming and amounts taken in fraudulent acts perpetrated against an interactive gaming certificate holder for which the interactive gaming certificate holder is not reimbursed shall not be considered to have been paid to the interactive gaming certificate holder for purposes of calculating gross interactive gaming revenue.

Interactive game—

(i) A gambling game offered through the use of communications technology that allows a person utilizing money, checks, electronic checks, electronic transfers of money, credit cards or any other instrumentality to transmit electronic information to assist in the placement of a bet

or wager and corresponding information related to the display of the game, game outcomes or other similar information.

(ii) The term does not include any of the following:

(A) A lottery game or Internet instant game as defined in the State Lottery Law (72 P.S. §§ 3761-101—3761-2103).

(B) iLottery under 4 Pa.C.S. §§ 501—505 (relating to lottery).

(C) A nongambling game that does not otherwise require a license under the laws of the Commonwealth.

(D) A fantasy contest under 4 Pa.C.S. §§ 301—342 (relating to fantasy contests).

Interactive gaming—The placing of wagers with an interactive gaming certificate holder or interactive gaming operator using a computer network of Federal and non-Federal interoperable packet switched data networks through which an interactive gaming certificate holder may offer authorized interactive games to registered players. The term includes the placing of wagers through the use of a multiuse computing device.

Interactive gaming account—The formal electronic system implemented by an interactive gaming certificate holder to record the balance of a registered player's debits, credits and other financial activity related to interactive gaming.

Interactive gaming account agreement—An agreement entered into between an interactive gaming certificate holder and a registered player which governs the terms and conditions of the registered player's interactive gaming account and the use of the Internet for purposes of placing wagers on authorized interactive games operated by an interactive gaming certificate holder or interactive gaming operator.

Interactive gaming agreement—An agreement entered into by or between an interactive gaming certificate holder and an interactive gaming operator related to the offering or operation of interactive gaming or an interactive gaming system by the interactive gaming operator on behalf of the interactive gaming certificate holder. The term includes an interactive gaming agreement entered into between an interactive gaming certificate holder and an interactive gaming operator for the conduct of interactive gaming through the use of multiuse computing devices at a qualified airport in accordance with sections 13B01—13B63 of the act.

Interactive gaming certificate—The authorization issued to a slot machine licensee by the Board authorizing the operation and conduct of interactive gaming by a slot machine licensee in accordance with sections 13B01—13B63 of the act.

Interactive gaming certificate holder—A slot machine licensee that has been granted authorization by the Board to operate interactive gaming in accordance with sections 13B01—13B63 of the act.

Interactive gaming device—The hardware, software and other technology, equipment or device of any kind as determined by the Board to be necessary for the conduct of authorized interactive games.

Interactive gaming license—A license issued to an interactive gaming operator by the Board under sections 13B01—13B63 of the act.

Interactive gaming manufacturer—

(i) A person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs or otherwise makes modifications to authorized interactive games for use or play of authorized interactive games in this Commonwealth for gaming purposes.

(ii) The term includes operators of live gaming studios.

(iii) The term does not include a person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs or otherwise makes modifications to multiuse computing devices used in connection with the conduct of interactive gaming at a qualified airport.

*Interactive gaming manufacturer license—*A license issued by the Board authorizing a manufacturer to manufacture or produce interactive gaming devices or associated equipment for use in this Commonwealth for gaming purposes. The term includes the operators of live gaming studios.

*Interactive gaming network—*A linked system that permits registered players of multiple interactive gaming certificate holders or interactive gaming operators to participate in peer-to-peer interactive gaming.

*Interactive gaming operator—*A person licensed by the Board to operate interactive gaming or an interactive gaming system, through the provision of an interactive gaming platform, on behalf of an interactive gaming certificate holder. The term includes a person that has received conditional authorization under section 13B14 of the act (relating to interactive gaming operators) for as long as the authorization is effective.

*Interactive gaming platform—*The combination of hardware and software or other technology designed and used to manage, conduct and record interactive games and the wagers associated with interactive games, as approved by the Board. The term includes emerging or new technology deployed to advance the conduct and operation of interactive gaming, as approved through regulation by the Board.

*Interactive gaming reciprocal agreement—*An agreement negotiated by the Board and approved by the Governor on behalf of the Commonwealth with the regulatory agency of one or more states or jurisdictions where interactive gaming is legally authorized which will permit the conduct of interactive gaming between interactive gaming certificate holders in this Commonwealth and gaming entities in the states or jurisdictions that are parties to the agreement.

*Interactive gaming restricted area—*A room or area, as approved by the Board, used by an interactive gaming certificate holder or interactive gaming operator to manage, control and operate interactive gaming, including, when approved by the Board, redundancy facilities and remote gaming server locations.

*Interactive gaming service provider—*A person that is not required to be licensed as a manufacturer, supplier, or management company under this part who:

(i) Provides goods or services to an interactive gaming certificate holder or interactive gaming operator for the operation of interactive gaming.

(ii) Is determined to be an interactive gaming service provider by the Board in accordance with the provisions of Chapter 807a (relating to interactive gaming service providers).

*Interactive gaming skin or skins—*The portal or portals to an interactive gaming platform or interactive gaming

web site through which authorized interactive games are made available by an interactive gaming certificate holder or interactive gaming operator to registered players in this Commonwealth or registered players in any other state or jurisdiction which has entered into an interactive gaming reciprocal agreement.

Interactive gaming supplier—

(i) A person who sells, leases, offers or otherwise provides, distributes or services an interactive gaming device or associated equipment for use or play of interactive games in this Commonwealth.

(ii) The term includes a person that sells, leases, offers or otherwise provides, distributes or services multiuse computing devices approved by the Board.

(iii) The term does not include the seller of a device that does not contain or operate interactive gaming software or systems or that has not been configured as a multiuse computing device at the time it is sold.

*Interactive gaming supplier license—*A license issued by the Board authorizing a supplier to provide products or services related to interactive gaming devices, including multiuse computing device or associated equipment, to interactive gaming certificate holders or interactive gaming operators for use in this Commonwealth for gaming purposes.

*Interactive gaming system—*The hardware, software and communications that comprise a type of server-based gaming system for the purpose of offering authorized interactive games.

*Interactive gaming web site—*The interactive gaming skin or skins through which an interactive gaming certificate holder or interactive gaming operator makes authorized interactive games available for play.

*International airport—*An airport that offers direct commercial flights for eligible passengers which arrive from, or depart to, an airport not located within the United States of America.

*Key employee—*All of the following:

(i) An individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate interactive gaming operations, including the Director of Information Technology (IT), IT Security Officer, Interactive Gaming Manager or other similar job classifications associated with interactive gaming.

(ii) Persons who manage, control or administer interactive gaming or the bets and wagers associated with authorized interactive games.

(iii) An employee who is not otherwise designated as a gaming employee and who supervises the operations of the interactive gaming department or to whom the interactive gaming department directors or interactive gaming department heads report and other positions not otherwise designated or defined under this subpart which the Board will determine based on detailed analyses of job descriptions as provided in the internal controls of the licensee as approved by the Board.

(iv) Any other employees as determined by the Board.

Licensed facility—

(i) The physical land-based location at which a licensed gaming entity is authorized to place and operate slot machines and, if authorized by the Board under sections 13A01—13A63 of the act (relating to table games), to

conduct table games and, if authorized under sections 13B01—13B63 of the act, to conduct interactive gaming.

(ii) The term includes any of the following:

(A) An area of a licensed racetrack at which a slot machine licensee was previously authorized under section 1207(17) of the act (relating to regulatory authority of board) to operate slot machines prior to the effective date of the act, as amended.

(B) A Board-approved interim facility or temporary facility.

(C) An area of a hotel which the Board determines is suitable to conduct table games.

(D) An area of a licensed facility where casino simulcasting is conducted, as approved by the Board.

(iii) The term does not include a redundancy facility or an interactive gaming restricted area which is not located on the premises of a licensed facility as approved by the Board and which is maintained and operated by an interactive gaming certificate holder or interactive gaming operator in connection with interactive gaming or casino simulcasting.

Live gaming studio—A physical location that utilizes live video streaming technology to provide live casino games to a player’s interactive gaming device or multiuse computing device that permits the player to participate in live streamed casino games, interact with gaming studio dealers and interact with fellow players.

Multiuse computing device—

(i) A computing device, including a tablet computer, that:

(A) Is located and accessible to eligible passengers only in an airport gaming area.

(B) Allows an eligible passenger to play an authorized interactive game.

(C) Communicates with a server that is in a location approved by the Board.

(D) Is approved by the Board.

(E) Has the capability of being linked to and monitored by the Department’s central control computer system, as applicable for any particular interactive game, in accordance with section 1323 of the act (relating to central control computer system).

(F) Offers a player additional functions which includes Internet browsing, the capability of checking flight status, and ordering food or beverages.

(ii) The term shall not include any tablet or computing device that restricts, prohibits or is incapable of providing access to interactive gaming, interactive gaming skin or skins or interactive gaming platforms.

Multistate agreement—The written agreement, approved by the Governor, between the Board and regulatory agencies in other states or jurisdictions for the operation of an interactive multistate wide-area progressive system.

Multistate wide-area progressive system—The linking of interactive games offered by interactive gaming certificate holders or interactive gaming operators in this Commonwealth with interactive games located in one or more states or jurisdictions whose regulatory agencies have entered into written agreements with the Board for the operation of the system.

Net terminal revenue—The net amount of the gross terminal revenue less the tax and assessments imposed by sections 1402, 1403, 1405 and 1407 of the act.

Non-peer-to-peer interactive game—An authorized interactive game in which the player does not compete against players and which is not a peer-to-peer interactive game.

Peer-to-peer interactive game—An authorized interactive game which is nonbanking, in which a player competes against one or more players and in which the interactive gaming certificate holder or interactive gaming operator collects a rake.

Personal identifiable information—Any data or information that can be used, on its own or with other data or information, to identify, contact or otherwise locate a registered player, including a registered player’s name, address, date of birth and Social Security number.

Player—An individual wagering cash, a cash equivalent or other thing of value in the play or operation of an authorized interactive game, including during a contest or tournament, the play or operation of which may deliver or entitle the individual playing or operating the authorized interactive game to receive cash, a cash equivalent or other thing of value from another player or an interactive gaming certificate holder or interactive gaming operator.

Prepaid access instrument—A card, code, electronic serial number, mobile identification number, personal identification number or similar device that:

(i) Allows patron access to funds that have been paid in advance and can be retrieved or transferred through the use of the device.

(ii) Qualifies as an access device for purposes of regulations issued by the Board of Governors of the Federal Reserve System under 12 CFR Part 205 (relating to electronic fund transfers (Regulation E)).

(iii) Shall be distributed by a slot machine licensee or its affiliates to be considered a cash equivalent at the slot machine licensee’s licensed facility or the location of the slot machine licensee’s affiliates.

(iv) Shall be used in conjunction with an approved cashless wagering system or electronic credit system to transfer funds for gaming purposes.

Progressive payout—An interactive game wager payout that increases in a monetary amount based on the amounts wagered in a progressive system, including a multistate wide-area progressive system.

Progressive system—A computerized system linking interactive games offered by interactive gaming certificate holders or interactive gaming operators in this Commonwealth and offering one or more common progressive payouts based on the amounts wagered. The term includes a multistate wide-area progressive system.

Qualified airport—A publicly owned commercial service airport.

Qualified gaming entity—A gaming entity which is not a Category 1, Category 2, Category 3 or Category 4 slot machine licensee, but is licensed in a jurisdiction other than the Commonwealth that has satisfied the requirements of this subpart and any other criteria established by the Board, including financial and character suitability requirements.

Redundancy facilities—Rooms or areas used by an interactive gaming certificate holder, an interactive gaming operator, or other licensed or authorized entity associated with the provision of interactive gaming for emer-

gency backup, redundancy or secondary operations attendant to interactive gaming as approved by the Board.

Registered player—An individual who has entered into an interactive gaming account agreement with an interactive gaming certificate holder.

State gaming receipts—Revenues and receipts required under this subpart to be paid into the State Gaming Fund, the Pennsylvania Race Horse Development Trust Fund and the Pennsylvania Gaming Economic Development and Tourism Fund, and all rights, existing on the effective date of the act, as amended, or coming into existence later, to receive revenues and receipts.

Tournament—An interactive gaming contest or an organized series of interactive gaming contests approved by the Board in which an overall winner is ultimately determined.

§ 801a.3. Certificate or license required.

The Board will initiate formal procedures for the acceptance, consideration and final adjudication of petitions and applications by setting filing requirements and deadlines for interactive gaming certificates and interactive gaming licenses.

§ 801a.4. Initial and renewal certificate and license fees.

Prior to the Board issuing an interactive gaming certificate or interactive gaming license or renewal thereof, the interactive gaming certificate holder or interactive gaming operator shall pay the certificate or license fee as set forth in the act.

CHAPTER 802a. INTERACTIVE GAMING CERTIFICATES

Sec.

- 802a.1. Interactive gaming certificate requirements.
- 802a.2. Interactive gaming certificate petition and standards.
- 802a.3. Interactive gaming certificate term and renewal.

§ 802a.1. Interactive gaming certificate requirements.

(a) A slot machine licensee seeking to offer interactive gaming in this Commonwealth may petition the Board for an interactive gaming certificate.

(b) Three categories of interactive gaming are authorized in this Commonwealth:

- (1) A peer-to-peer interactive game.
- (2) A non-peer-to-peer interactive game which simulates slot machines.
- (3) A non-peer-to-peer interactive game which simulates table games.

(c) The filing requirements and deadlines will be posted on the Board's public web site.

(d) An interactive gaming certificate issued under this subpart will list the categories of interactive games authorized under the interactive gaming certificate. An interactive gaming certificate which authorizes multiple categories of interactive games will count as an interactive gaming certificate in each category of interactive game authorized under this section.

§ 802a.2. Interactive gaming certificate petition and standards.

(a) A petitioner for an interactive gaming certificate shall submit all of the following to the Board:

(1) The name, business address and contact information of the slot machine licensee applying for an interactive gaming certificate.

(2) The name, business address and contact information of any affiliate or other person that will be a party to an agreement with the interactive gaming certificate petitioner related to the operation of interactive gaming or an interactive gaming system on behalf of the interactive gaming certificate petitioner, including a person applying for an interactive gaming license.

(3) The name, business address, job title and a photograph of each principal and key employee of the interactive gaming certificate petitioner who will be involved in the conduct of interactive gaming, whether or not the principal or key employee is currently licensed by the Board.

(4) The name, business address, job title and a photograph of each principal and key employee of the interactive gaming operator, if any, who will conduct interactive gaming or an interactive gaming system on behalf of the interactive gaming certificate petitioner, whether or not the principal or key employee is currently licensed by the Board.

(5) A statement identifying which categories of interactive games the interactive gaming certificate petitioner intends to offer:

- (i) Peer-to-peer interactive games.
- (ii) Non-peer-to-peer interactive games which simulate slot machines.
- (iii) Non-peer-to-peer interactive games which simulate table games.

(6) An itemized list of the interactive games, including identifying the category of each interactive game for which authorization is being sought.

(7) The estimated number of full-time and part-time employment positions that will be created as a result of interactive gaming and the jurisdictions in which the positions will be located, including positions at the interactive gaming certificate petitioner's licensed facility or at any interactive gaming restricted area if an interactive gaming certificate is issued, and an updated hiring plan under section 1510(a) of the act (relating to labor hiring preferences) which outlines the interactive gaming certificate petitioners plan to promote the representation of diverse groups and Commonwealth residents in the employment positions.

(8) A brief description of the economic benefits expected to be realized by the Commonwealth if an interactive gaming certificate is issued.

(9) The details of any financing obtained or that will be obtained to fund an expansion or modification of the interactive gaming certificate petitioners licensed facility to accommodate interactive gaming and to otherwise fund the cost of commencing interactive gaming.

(10) Information and documentation concerning financial background and resources, as the Board may require, to establish by clear and convincing evidence the financial stability, integrity and responsibility of the interactive gaming certificate petitioner, and information or documentation concerning any person that will operate interactive gaming or an interactive gaming system on behalf of the interactive gaming certificate petitioner as an interactive gaming operator, as the Board may require. The interactive gaming agreement with a person is subject to the review and approval of the Board.

(11) Information and documentation, as the Board may require, to establish by clear and convincing evidence that the interactive gaming certificate petitioner has sufficient business ability and experience to conduct a successful interactive gaming operation. In making this determination, the Board may consider the results of the interactive gaming certificate petitioner's slot machine and table game operations, including financial information, employment data and capital investment.

(12) Information and documentation, as the Board may require, to establish by clear and convincing evidence that the interactive gaming certificate petitioner has or will have the financial ability to pay the interactive gaming authorization fee.

(13) Detailed site plans identifying the proposed interactive gaming restricted area where interactive gaming operations will be managed, administered or controlled as approved by the Board.

(14) A detailed description of all of the following:

(i) The interactive gaming certificate petitioner's initial system of internal and accounting controls applicable to interactive gaming.

(ii) The interactive gaming certificate petitioner's proposed standards to protect, with a reasonable degree of certainty, the privacy and security of its registered players.

(iii) How the interactive gaming certificate petitioner will facilitate compliance with the requirements in this chapter and section 802(a)(10)(B) of the Unlawful Internet Gambling Enforcement Act of 2006 (31 U.S.C.A. § 5362(10)(B)), including all of the following:

(A) Age, identity and location verification requirements.

(B) Appropriate data security standards to prevent unauthorized access by a person whose age, identity or location have not been verified or cannot be verified in accordance with this subpart and applicable regulations of the Board.

(C) Except as provided in sections 13B61—13B63 of the act (relating to miscellaneous provisions), the requirement that all wagers made in the conduct of interactive gaming be initiated and received or otherwise made exclusively in this Commonwealth.

(D) The interactive gaming certificate petitioner's proposed age, identity and location verification standards designed to block access to persons under 21 years of age and other persons excluded or prohibited from participating in interactive gaming under this chapter.

(E) The procedures the interactive gaming certificate petitioner will use to register individuals as registered players.

(F) The procedures the interactive gaming certificate petitioner will use to establish interactive gaming accounts for registered players.

(G) The interactive games and services the interactive gaming certificate petitioner proposes to offer to registered players.

(H) Documentation and information relating to known proposed contractors of the interactive gaming certificate petitioner and subcontractors of the contractors.

(15) The interactive gaming devices and associated equipment and interactive gaming system that the inter-

active gaming certificate petitioner plans to or will utilize to manage, administer or control its interactive gaming operations.

(16) Compliance certification of the interactive gaming certificate petitioner's proposed interactive gaming devices and associated equipment, including interactive gaming software and hardware, by a Board-approved gaming laboratory to ensure that the gaming software and hardware comply with this subpart and regulations of the Board.

(17) A detailed description of accounting systems, including accounting systems for all the following:

(i) Interactive gaming accounts.

(ii) Per hand charges, if applicable.

(iii) Transparency and reporting to the Board and the Department.

(iv) Distribution of revenue to the Commonwealth and winnings to registered players.

(v) Ongoing auditing and internal control compliance reviews.

(18) Detailed information on security systems to protect the interactive gaming skins or interactive gaming web site from internal and external breaches and threats.

(19) Any other information the Board may require.

(b) In addition to the materials required under subsection (a), the petitioner for an interactive gaming certificate shall show, by clear and convincing evidence, all the following:

(1) The petitioner's proposed conduct of interactive gaming complies in all respects with the requirements of this subpart and the Board's regulations.

(2) Age, identity and location verification requirements designed to block access to individuals under 21 years of age and persons otherwise excluded or prohibited from engaging in interactive gaming in accordance with this subpart, as approved by the Board, have been implemented by the slot machine licensee.

(3) The petitioner has implemented or will implement appropriate data security standards to prevent unauthorized access by a person whose age, identity and location has not been verified or cannot be verified in accordance with the Board's regulations.

(4) The petitioner has implemented or will implement appropriate standards to protect the privacy and security of registered players with a reasonable degree of certainty.

(5) The petitioner's initial system of internal and accounting controls applicable to interactive gaming, and the security and integrity of all financial transactions in connection with the system, complies with this chapter and the Board's regulations.

(6) The petitioner is in good standing with the Board.

(7) The petitioner agrees that the number of slot machines and table games in operation at its licensed facility as of October 30, 2017, the effective date of 4 Pa.C.S. Part II (relating to the Pennsylvania Race Horse Development and Gaming Act), will not be reduced as a result of interactive gaming.

(c) In determining whether a petitioner is suitable to be issued an interactive gaming certificate under this subpart, the Board will consider all of the following:

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

(2) If all principals of the petitioner are eligible and suitable under the standards in section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of financial backers.

(4) The suitability of the petitioner and the principals of the petitioner based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(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.

§ 802a.3. Interactive gaming certificate term and renewal.

(a) An interactive gaming certificate and the renewal thereof is valid for 5 years from the date of approval of the petition by the Board.

(b) A renewal application for an interactive gaming certificate shall be filed at least 6 months prior to the expiration of the current certificate.

(c) An interactive gaming certificate for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

CHAPTER 803a. INTERACTIVE GAMING OPERATORS

Sec.

- 803a.1. Interactive gaming operator requirements.
 803a.2. Interactive gaming operator application and standards.
 803a.3. Interactive gaming license term and renewal.
 803a.4. Interactive gaming operator change of control.

§ 803a.1. Interactive gaming operator requirements.

A person seeking to operate interactive gaming or an interactive gaming system on behalf of an interactive gaming certificate holder in this Commonwealth may apply with the Board for an interactive gaming license.

§ 803a.2. Interactive gaming operator application and standards.

An applicant for an interactive gaming license shall submit all of the following:

(1) An Entity Enterprise Application and Disclosure Information Form unless otherwise directed by the Board.

(2) The nonrefundable application fee posted on the Board's web site.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under this chapter and principal under Chapter 433a (relating to principal licenses) as specified by the Entity Enterprise Application and Disclosure Information Form.

§ 803a.3. Interactive gaming license term and renewal.

(a) An interactive gaming license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for an interactive gaming license shall be filed at least 6 months prior to the expiration of the current license.

(c) An interactive gaming license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

§ 803a.4. Interactive gaming operator change of control.

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

(1) More than 20% of an interactive gaming operator'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 interactive gaming operator.

(3) Any other interest in an interactive gaming operator which allows the acquirer to control the interactive gaming operator.

(b) An interactive gaming operator shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the interactive gaming operator.

(c) Prior to acquiring a controlling interest in an interactive gaming operator, 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 § 808a.2 (relating to interactive gaming principals) and key employees as required under § 808a.3 (relating to interactive key employees).

(d) A person or group of persons seeking to acquire a controlling interest in an interactive gaming operator 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 an interactive gaming operator until the petition required under subsection (c) has been approved. A person or group of persons seeking to acquire a controlling interest in an interactive gaming operator and the interactive gaming 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 an interactive gaming operator when all of the following conditions are met:

(1) The acquirer is an existing licensed slot machine, table game or interactive gaming operator.

(2) The existing licensed interactive gaming operator 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 804a. QUALIFIED GAMING ENTITY

- Sec.
- 804a.1. Qualified gaming entity license requirements.
- 804a.2. Qualified gaming entity petition requirements.
- 804a.3. Qualified gaming entity application requirements.
- 804a.4. Qualified gaming entity interactive gaming certificate term and renewal.

§ 804a.1. Qualified gaming entity license requirements.

(a) A qualified gaming entity seeking to offer interactive gaming in this Commonwealth may petition the Board for an interactive gaming certificate if all of the following apply:

(1) The Board has published a notice on its web site that it is accepting petitions for qualified gaming entities.

(2) Any category of interactive game, as detailed in § 802a.1(b) (relating to interactive gaming certificate requirements), remains available after eligible slot machine licensees failed to petition for authorization to offer that category of interactive game directly or through an interactive gaming operator.

(3) The entity holds a license, in good standing, in any gaming jurisdiction which entitles the entity to conduct casino, table or poker-style games in a physical land-based casino or by means of the Internet, or both.

(b) The Board will approve and post the process for selecting eligible qualified gaming entities.

§ 804a.2. Qualified gaming entity petition requirements.

(a) A qualified gaming entity petitioner for an interactive gaming certificate shall submit to the Board a petition containing the information required by slot machine licensees seeking an interactive gaming certificate under § 802a.2 (relating to interactive gaming certificate petition and standards).

(b) The qualified gaming entity petitioner shall also show, by clear and convincing evidence, all of the following:

(1) It is licensed in good standing in another gaming jurisdiction.

(2) The licensing standards of that other gaming jurisdiction are comprehensive and thorough and provide similar safeguards as those required by the Commonwealth.

(3) The petitioner has the business experience and expertise to operate an interactive gaming system.

(c) In addition to the materials required under subsections (a) and (b), the qualified gaming entity petitioner for an interactive gaming certificate shall show, by clear and convincing evidence, that it has implemented or will implement all of the following:

(1) Interactive gaming that complies in all respects with the requirements of this subpart and regulations promulgated by the Board.

(2) A system of age, identity and location verification protocols designed to block access to individuals under 21 years of age and persons otherwise excluded or prohibited from engaging in interactive gaming in accordance with this subpart, as approved by the Board, has been implemented by the petitioner.

(3) Appropriate data security standards to prevent unauthorized access by any person whose age, identity and location has not been verified or cannot be verified in accordance with the regulations promulgated by the Board.

(4) Appropriate standards to protect the privacy and security of registered players with a reasonable degree of certainty.

(5) A system of internal and accounting controls applicable to interactive gaming, and the security and integrity of all financial transactions in connection with the system, that complies with this chapter and regulations promulgated by the Board.

§ 804a.3. Qualified gaming entity application requirements.

(a) If selected under the Board process in § 804a.1(b) (relating to qualified gaming entity license requirements), the eligible qualified gaming entity petitioner shall submit all applicable applications for the issuance of an interactive gaming certificate as required by the Bureau of Licensing.

(b) In determining whether an eligible qualified gaming entity petitioner is suitable to be issued a qualified gaming entity interactive gaming certificate under this subpart, the Board will consider all of the following:

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

(2) If all principals of the petitioner are eligible and suitable under the standards of section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of all financial backers.

(4) The suitability of the petitioner and the principals of the petitioner based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(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.

§ 804a.4. Qualified gaming entity interactive gaming certificate term and renewal.

(a) A qualified gaming entity interactive gaming certificate and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for a qualified gaming entity interactive gaming certificate shall be filed at least 6 months prior to the expiration of the current certificate.

(c) A qualified gaming entity interactive gaming certificate for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

CHAPTER 805a. INTERACTIVE GAMING MANUFACTURER

- Sec.
- 805a.1. Interactive gaming manufacturer license requirements.
- 805a.2. Interactive gaming manufacturer license application and standards.
- 805a.3. Interactive gaming manufacturer license term and renewal.
- 805a.4. Interactive gaming manufacturer abbreviated license process.
- 805a.5. Interactive gaming manufacturer licensee responsibilities.
- 805a.6. Interactive gaming manufacturer licensee change of control.

§ 805a.1. Interactive gaming manufacturer license requirements.

(a) An interactive gaming manufacturer seeking to manufacture interactive devices or associated equipment for use in this Commonwealth shall apply to the Board for an interactive gaming manufacturer license.

(b) In accordance with section 1317.1 of the act (relating to manufacturer licenses), an applicant for or the holder of an interactive gaming manufacturer license or any of the applicant's or holder's affiliates, intermediaries, subsidiaries or holding companies may not apply for or hold a slot machine license or an interactive gaming supplier license.

§ 805a.2. Interactive gaming manufacturer license application and standards.

(a) An applicant for an interactive gaming manufacturer license shall submit all of the following:

(1) An Enterprise Entity Application and Disclosure Information Form for the applicant and each of the applicant's principal affiliates.

(2) The nonrefundable application fee posted on the Board's web site.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under §§ 435a.2 and 808a.3 (relating to key employee license; and interactive key employees) and principal under Chapter 433a (relating to principal licenses) and § 808a.2 (relating to interactive gaming principals) as specified by the Enterprise Entity Application and Disclosure Information Form and other persons as determined by the Board.

(5) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is an applicant for or holder of a slot machine license and that the applicant has neither applied for nor holds an interactive gaming supplier license.

(b) In addition to the materials required under subsection (a), an applicant for an interactive gaming manufacturer license shall do all of the following:

(1) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(2) Demonstrate that the applicant has the ability to manufacture, build, rebuild, repair, fabricate, assemble, produce, program, design or otherwise make modifications to interactive gaming devices or associated equipment which meet one or more of the following criteria:

(i) Are specifically designed for use in the operation of interactive gaming or an interactive gaming device or associated equipment.

(ii) Are needed to conduct an authorized interactive game.

(iii) Have the capacity to affect the outcome of the play of an interactive game.

(iv) Have the capacity to affect the calculation, storage, collection or control of gross interactive gaming revenue.

(c) In determining whether an applicant is suitable to be licensed as an interactive gaming 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 of the applicant are eligible and suitable under the standards of section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and the principals of the applicant based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(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.

§ 805a.3. Interactive gaming manufacturer license term and renewal.

(a) An interactive gaming manufacturer license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for an interactive gaming manufacturer license shall be filed at least 6 months prior to the expiration of the current license.

(c) An interactive gaming manufacturer license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

§ 805a.4. Interactive gaming manufacturer abbreviated license process.

(a) The Board may use an abbreviated licensing process if the applicant holds a license issued by the Board to manufacture slot machines, table games, sports wagering devices or associated equipment, video gaming terminals, table game devices or associated equipment and all of the following apply:

(1) The license was issued by the Board and is currently in good standing.

(2) The entity to whom the manufacturer license was issued affirms there has been no material change in circumstances relating to the license.

(3) The Board determines, in its sole discretion, that there has been no material change in circumstances relating to the licensee that necessitates that the abbreviated process not be used.

(b) This section may not be construed to waive any fees associated with obtaining an interactive gaming manufacturer license through the application process in this Commonwealth.

§ 805a.5. Interactive gaming manufacturer licensee responsibilities.

(a) A holder of an interactive gaming manufacturer license shall have a continuing duty to do all of the following:

(1) Comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(2) For publicly traded interactive gaming manufacturer licensees, provide notification of all SEC filings or if the manufacturer is publicly traded on a foreign exchange, a copy of all filings submitted to the securities regulator that has jurisdiction over the foreign publicly

traded corporation. The notification or copies of the filings shall be submitted to the Bureau of Licensing within 30 days after the date of filing with the SEC or securities regulator that has jurisdiction over the foreign publicly traded corporation.

(b) An employee of a licensed interactive gaming manufacturer who is a gaming or nongaming employee as defined in § 801a.2 (relating to definitions) shall obtain a permit under § 808a.4 (relating to interactive gaming employees) or registration under § 808a.5 (relating to interactive nongaming employees).

§ 805a.6. Interactive gaming manufacturer licensee change of control.

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

(1) More than 20% of an interactive gaming manufacturer 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 interactive gaming manufacturer licensee.

(3) Any other interest in an interactive gaming manufacturer licensee which allows the acquirer to control the interactive gaming manufacturer licensee.

(b) An interactive gaming manufacturer licensee shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the interactive gaming manufacturer licensee.

(c) Prior to acquiring a controlling interest in an interactive gaming 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:

(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 § 808a.2 (relating to interactive gaming principals) and key employees as required under § 808a.3 (relating to interactive key employees).

(3) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a slot machine licensee or interactive gaming certificate holder and that the acquirer has neither applied for nor holds an interactive gaming supplier license.

(d) A person or group of persons seeking to acquire a controlling interest in an interactive gaming 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 (c).

(e) A person or group of persons may not acquire a controlling interest in an interactive gaming manufacturer 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 interactive gaming manufacturer licensee and the interactive gaming manufacturer licensee 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 an interactive gaming manufacturer licensee when all of the following conditions are met:

(1) The acquirer is an existing licensed slot machine, table game or interactive gaming manufacturer.

(2) The existing licensed interactive gaming manufacturer 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 806a. INTERACTIVE GAMING SUPPLIER

Sec.

- 806a.1. Interactive gaming supplier license requirements.
- 806a.2. Interactive gaming supplier application and standards.
- 806a.3. Interactive gaming supplier entity term and renewal.
- 806a.4. Interactive gaming supplier abbreviated license process.
- 806a.5. Interactive gaming supplier licensee responsibilities.
- 806a.6. Interactive gaming supplier change of control.

§ 806a.1. Interactive gaming supplier license requirements.

(a) A supplier seeking to sell, lease, offer or otherwise provide, distribute or service interactive gaming devices or associated equipment to an interactive gaming certificate holder or interactive gaming operator in this Commonwealth shall apply to the Board for an interactive gaming supplier license.

(b) In accordance with sections 1317 and 1317.1 of the act (relating to supplier licenses; and manufacturer licenses), an applicant for or the holder of an interactive gaming supplier license or any of the applicant's or holder's affiliates, intermediaries, subsidiaries or holding companies may not apply for or hold a slot machine license or an interactive gaming manufacturer license.

§ 806a.2. Interactive gaming supplier application and standards.

(a) An applicant for an interactive gaming supplier license shall submit all of the following:

(1) An Enterprise Entity Application and Disclosure Information Form for the applicant and each of the applicant's principal affiliates.

(2) The nonrefundable application fee posted on the Board's web site.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under § 808a.3 (relating to interactive key employees) and principal under § 808a.2 (relating to interactive gaming principals) as specified by the Enterprise Entity Application and Disclosure Information Form and other persons as determined by the Board.

(5) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is an applicant for or holder of a slot machine license and that the applicant has neither applied for nor holds an interactive gaming manufacturer license.

(b) In addition to the materials required under subsection (a), an applicant for an interactive gaming supplier license shall comply with the general application require-

ments in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) In determining whether an applicant is suitable to be licensed as an interactive gaming 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 of the applicant are eligible and suitable under the standards of section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and the principals of the applicant based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(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.

§ 806a.3. Interactive gaming supplier entity term and renewal.

(a) An interactive gaming supplier license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for an interactive gaming supplier license shall be filed at least 6 months prior to the expiration of the current license.

(c) An interactive gaming supplier license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

§ 806a.4. Interactive gaming supplier abbreviated license process.

(a) The Board may use an abbreviated licensing process if the applicant holds a license issued by the Board to supply slot machines, table games, sports wagering devices or associated equipment, video gaming terminals, table game devices or associated equipment and all of the following apply:

(1) The license was issued by the Board and is currently in good standing.

(2) The entity to whom the supplier license was issued affirms there has been no material change in circumstances relating to the license.

(3) The Board determines, in its sole discretion, that there has been no material change in circumstances relating to the licensee that necessitates that the abbreviated process not be used.

(b) This section may not be construed to waive any fees associated with obtaining an interactive gaming supplier license through the application process in this Commonwealth.

§ 806a.5. Interactive gaming supplier licensee responsibilities.

(a) A supplier shall submit to the Bureau of Licensing for review any agreements with a licensed interactive gaming manufacturer, licensed interactive gaming operator, slot machine licensee or interactive gaming certificate holder. The review may include financing arrangements,

technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the licensed interactive gaming supplier from any licensed interactive gaming manufacturer or licensed or certified interactive gaming entity.

(b) A holder of a supplier license shall have a continuing duty to do all of the following:

(1) Comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(2) For publicly traded interactive gaming suppliers, provide notification of all SEC filings or, if the supplier is publicly traded on a foreign exchange, a copy of all filings submitted to the securities regulator that has jurisdiction over the foreign publicly traded corporation. The notification or copies of the filings shall be submitted to the Bureau of Licensing within 30 days after the date of filing with the SEC or securities regulator that has jurisdiction over the foreign publicly traded corporation.

(c) An employee of a licensed interactive gaming supplier who is a gaming or nongaming employee as defined in § 801a.2 (relating to definitions) shall obtain a permit under § 808a.4 (relating to interactive gaming employees) or registration under § 808a.5 (relating to interactive nongaming employees).

§ 806a.6. Interactive gaming supplier change of control.

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

(1) More than 20% of an interactive gaming supplier 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 interactive gaming supplier licensee.

(3) Any other interest in an interactive gaming supplier licensee which allows the acquirer to control the interactive gaming supplier licensee.

(b) An interactive gaming supplier licensee shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the interactive gaming supplier licensee.

(c) Prior to acquiring a controlling interest in an interactive gaming 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:

(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 § 808a.2 (relating to interactive gaming principals) and key employees as required under § 808a.3 (relating to interactive key employees).

(3) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a slot machine licensee or interactive gaming certificate holder and that the acquirer has neither applied for nor holds an interactive gaming manufacturer license.

(d) A person or group of persons seeking to acquire a controlling interest in an interactive gaming 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 subsection (c).

(e) A person or group of persons may not acquire a controlling interest in an interactive gaming supplier 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 interactive gaming supplier licensee and the supplier licensee may enter into a sales 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 in an interactive gaming supplier licensee when all of the following conditions are met:

(1) The acquirer is an existing licensed slot machine, table game or interactive gaming supplier.

(2) The existing licensed interactive gaming supplier 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 807a. INTERACTIVE GAMING SERVICE PROVIDERS

Sec.
 807a.1. General interactive gaming service provider requirements.
 807a.2. Interactive gaming service provider certification applications.
 807a.3. Interactive gaming service provider registration applications.
 807a.4. Qualification of individuals and entities of certified interactive gaming service providers.
 807a.5. Interactive gaming service provider registration and certification term and renewal.
 807a.6. Authorized gaming service providers list; prohibited gaming service providers.
 807a.7. Permission to conduct business prior to certification or registration.
 807a.8. Emergency interactive gaming service provider.
 807a.9. Duty to investigate.

§ 807a.1. General interactive gaming service provider requirements.

(a) Except as provided in § 807a.9 (relating to duty to investigate), an interactive gaming service provider or person seeking to conduct business with an interactive gaming certificate holder or interactive gaming operator shall apply to the Board for certification if the interactive gaming service provider or person is providing any of the following:

(1) Data hosting services unless the hosting service is in a jurisdiction, the standards of which are recognized by the Board, the owner of the hardware is licensed as an interactive gaming operator by the Board and the facility is approved by the Board.

(2) Payment processing and related money-transmitting services with direct contact with a registered player's interactive gaming account.

(3) Customer identity, age verification and geo-location verification used in the conduct of interactive gaming, regardless of the interactive gaming service provider or person's contractual relationship with an interactive gaming certificate holder.

(4) Interactive affiliate goods or services and the interactive affiliate is being paid a revenue share. As used in

this subsection, "interactive affiliate" means as an individual or entity involved in promoting, marketing and directing business to online gaming sites in exchange for compensation paid based on player activity not a flat fee.

(5) Any other person as determined by the Board.

(b) Except as provided in § 807a.9, a gaming service provider or person seeking to conduct business with an interactive gaming certificate holder or interactive gaming operator shall apply to the Board for a registration if the interactive gaming service provider or person is providing goods or services related to interactive gaming or interactive wagering and the interactive gaming service provider or person is not required to be certified as an interactive gaming service provider. This subsection applies to interactive affiliates involved in promoting, marketing and directing business to online gaming sites in exchange for a flat fee.

(c) A holder of an interactive gaming service provider certification, registration or authorization shall have a continuing duty to comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

§ 807a.2. Interactive gaming service provider certification applications.

(a) An interactive gaming service provider seeking certification shall submit a Certification Application and Disclosure Form. The application and fee toward the cost of the investigation of the applicant, as posted on the Board's web site, shall be submitted to the Bureau of Licensing by the interactive gaming service provider unless otherwise directed by the Bureau of Licensing.

(b) In addition to the requirements in subsection (a), an applicant for an interactive gaming service provider certification shall do all of the following:

(1) Submit applications and release authorizations for each individual required to be qualified under § 807a.4 (relating to qualification of individuals and entities of certified interactive gaming service providers).

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) An applicant for an interactive gaming service provider certification shall reimburse the Board for costs incurred in conducting the investigation of the applicant.

(d) An interactive gaming service provider certification will not be issued until all fees and costs have been paid.

§ 807a.3. Interactive gaming service provider registration applications.

(a) An interactive gaming service provider seeking registration shall complete a Gaming Service Provider Registration Form. The application and fee toward the cost of the investigation of the applicant, as posted on the Board's web site, shall be submitted to the Bureau of Licensing by the interactive gaming service provider unless otherwise directed by the Bureau of Licensing.

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

(1) Submit release authorizations for each individual required to be qualified under § 807a.4 (relating to qualification of individuals and entities of certified interactive gaming service providers).

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

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

(i) Each officer and director of the registered interactive gaming service provider applicant. For purposes of this subparagraph, "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 interactive gaming service provider applicant.

(iii) Each salesperson of a registered interactive gaming service provider applicant who solicits business from, or has regular contact with, any representatives of an interactive certificate holder or interactive gaming operator or any employee of a registered interactive gaming service provider applicant who will be engaging in that conduct.

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

(d) Each of the individuals required to submit fingerprints under subsection (b)(3) shall be found qualified by the Board.

(e) An individual who is a gaming or nongaming employee as defined in § 801a.2 (relating to definitions) shall obtain a gaming employee occupation permit in accordance with § 808a.4 (relating to interactive gaming employees) or a nongaming employee registration in accordance with § 808a.5 (relating to interactive nongaming employees).

(f) An applicant for an interactive gaming service provider registration shall reimburse the Board for costs incurred in conducting the investigation of the applicant.

(g) An interactive gaming service provider registration will not be issued until all fees and costs have been paid.

§ 807a.4. Qualification of individuals and entities of certified interactive gaming service providers.

(a) The following individuals shall submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified interactive gaming service provider or applicant for interactive gaming service provider certification. For the 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.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified interactive gaming service provider or applicant for inter-

active gaming service provider certification. A certified interactive gaming service provider or applicant for interactive gaming service provider certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified interactive gaming service provider or applicant for interactive gaming service provider certification who solicits business from, or has regular contact with, any representatives of an interactive gaming certificate holder or interactive gaming operator or any employee of a certified interactive gaming service provider or applicant for interactive gaming service provider certification who will be engaging in that conduct.

(b) Each entity that directly owns 20% or more of the voting securities of a certified interactive gaming service provider or person applying for interactive gaming service provider certification shall file a Certification Form—Holding Company with the Bureau of Licensing and be found qualified by the Board.

(c) The following persons may be required to submit a Certification Form—Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Bureau of Licensing determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(1) An intermediary or holding company of a certified interactive gaming service provider or person or applicant for interactive gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified interactive gaming service provider or applicant for interactive gaming service provider certification.

(3) An employee of a certified interactive gaming service provider or applicant for interactive gaming service provider certification.

(4) A person who holds any direct or indirect ownership or beneficial interest in a certified interactive gaming service provider or applicant for interactive gaming service provider certification, or has the right to any profits or distribution, directly or indirectly, from the certified interactive gaming service provider or applicant for interactive gaming service provider certification.

(5) A trustee of a trust that is required to be found qualified under this section.

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if all of the following apply:

(1) The individual's presence in an interactive gaming restricted area is needed.

(2) The company with which the individual is associated is on the authorized gaming service provider list.

(e) Upon request, the Bureau of Licensing will issue a credential to an individual who has been found qualified under this section if the interactive gaming service provider has been certified.

(f) An employee of a certified or registered interactive gaming service provider who is a gaming or nongaming employee as defined in § 801a.2 (relating to definitions) shall obtain a permit under § 808a.4 (relating to interactive gaming employees) or registration under § 808a.5 (relating to interactive nongaming employees).

§ 807a.5. Interactive gaming service provider registration and certification term and renewal.

(a) Interactive gaming service provider certifications, registrations and renewals issued under this subpart will be valid for 5 years from the date of Board approval.

(b) Registered and certified interactive gaming service providers shall submit to the Board a completed renewal application or form and renewal fee at least 6 months prior to the expiration of a certification, registration or authorization.

(c) A certification or registration for which a completed renewal application and fee has been received by the Bureau of Licensing will continue to be in effect until the Board sends written notification to the holder of the certification or registration that the Board has approved or denied the certification or registration.

§ 807a.6. Authorized gaming service providers list; prohibited gaming service providers.

(a) The Board will maintain a list of authorized gaming service providers and a list of prohibited gaming service providers. The authorized list will contain the names of persons who have been:

(1) Registered or certified.

(2) Authorized to conduct business with interactive certificate holder or interactive gaming operator under § 437a.9 (relating to permission to conduct business prior to certification or registration).

(b) Except as permitted under §§ 437a.1(a)(2), (d) and (g) and 437a.10 (relating to general gaming service provider requirements; and emergency gaming service provider), an interactive gaming certificate holder or interactive gaming operator may not purchase goods or services from an interactive gaming service provider unless the interactive gaming service provider is on the authorized gaming service provider list. A slot machine licensee, interactive gaming certificate holder or interactive gaming operator or applicant or any affiliate, intermediary, subsidiary or holding company thereof acting on behalf of the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant may not enter into an agreement or continue to do business with an interactive gaming service provider on the prohibited gaming service providers list.

(c) The Board may place a person or provider on the prohibited gaming service provider list if any of the following apply:

(1) The interactive gaming service provider has failed to comply with this chapter.

(2) The interactive gaming service provider has failed to cooperate with Board staff in its review and investigation of the interactive gaming service provider's application.

(3) The interactive gaming service provider's application for certification or registration has been denied or withdrawn with prejudice or the interactive gaming service provider has had its interactive gaming service provider certification or registration suspended or revoked.

(4) The interactive gaming service provider has failed to provide information to a slot machine licensee, an interactive gaming certificate holder or interactive gaming operator that is necessary for the slot machine licensee, interactive gaming certificate holder or interactive gaming operator to comply with this chapter.

(d) A person seeking to be removed from the list of prohibited gaming service providers shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally) and shall be responsible for all costs associated with the person's petition for removal from the list of prohibited gaming service providers. The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited gaming service providers list and how the interactive gaming service provider has cured any deficiencies that led to the interactive gaming service provider being placed on the prohibited gaming service providers list.

(e) The Board may impose a monetary penalty or other appropriate sanction in connection with the removal of a person from the list of prohibited gaming service providers or attach any reasonable condition to the removal of a person from the list of prohibited gaming service providers.

§ 807a.7. Permission to conduct business prior to certification or registration.

(a) Notwithstanding § 807a.1 (relating to general interactive gaming service provider requirements), the Bureau of Licensing may authorize an applicant for an interactive gaming service provider certification or registration to conduct business with a slot machine licensee, an interactive gaming certificate holder or interactive gaming operator prior to the certification or registration of the interactive gaming service provider applicant if all of the following criteria are met:

(1) A completed Gaming Service Provider Registration Form or a completed Gaming Service Provider Certification Application and Disclosure Information Form has been filed by the slot machine licensee, interactive gaming certificate holder or interactive gaming operator in accordance with § 807a.2 or § 807a.3 (relating to interactive gaming service provider certification applications; and interactive gaming service provider registration applications).

(2) The applicant for an interactive gaming service provider registration or certification agrees, in writing, that the grant of permission to conduct business prior to registration or certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted pursuant to this section, with or without prior notice to the applicant, if the Bureau of Licensing is informed that the suitability of the applicant may be at issue or the applicant fails to cooperate in the application or investigatory process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for certification or registration, the Bureau of Licensing may rescind the permission granted to the applicant for certification or registration to conduct business with a slot machine licensee, interactive gaming certificate holder or interactive gaming operator under subsection (a). If the permission is rescinded, the applicant for certification or registration shall cease conducting business with the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant 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 for certification or registration and the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant by registered mail and e-mail that permission for the applicant for certification

or registration to conduct business with the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant under subsection (a) has been rescinded and that the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant shall cease conducting business with the applicant for certification or registration by the date specified in the notice.

§ 807a.8. Emergency interactive gaming service provider.

(a) An interactive gaming certificate holder or interactive gaming operator may utilize an interactive gaming service provider that is not registered, certified or authorized to conduct business in accordance with § 807a.7 (relating to permission to conduct business prior to certification or registration) when a threat to public health, welfare or safety exists or circumstances outside the control of the slot machine licensee, interactive gaming certificate holder or interactive gaming operator create an urgency of need which does not permit the delay involved in using the formal method of interactive gaming service provider certification or registration. A slot machine licensee, interactive gaming certificate holder or interactive gaming operator may not use an interactive gaming service provider on the prohibited list.

(b) When using an interactive gaming service provider that is not registered, certified or authorized to conduct business to respond to an emergency, the slot machine licensee, interactive gaming certificate holder or interactive gaming operator shall do all of the following:

(1) Immediately notify the Bureau of Licensing of the emergency and the interactive gaming service provider that was selected to provide emergency services.

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

(c) An employee of the emergency interactive gaming service provider who is providing emergency services that requires access to an interactive gaming restricted area shall obtain a temporary access credential in accordance with § 808a.7 (relating to emergency and temporary credentials) prior to performing any work.

(d) If the slot machine licensee, interactive gaming certificate holder or interactive gaming operator continues to utilize the interactive 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 interactive gaming service provider that was not registered, certified or on the authorized list, the slot machine licensee, interactive gaming certificate holder, interactive gaming operator and interactive gaming service provider shall comply with this chapter.

§ 807a.9. Duty to investigate.

(a) A slot machine licensee, interactive gaming certificate holder or interactive gaming operator shall investigate the background and qualifications of the applicants for interactive gaming service provider registration or certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) A slot machine licensee, interactive gaming certificate holder or interactive gaming operator shall have an affirmative duty to avoid agreements or relationships

with persons applying for an interactive gaming service provider registration or certification whose background or associations are injurious to the public health, safety, morals, good order and general welfare of the residents of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) A slot machine licensee, an interactive gaming certificate holder or interactive gaming operator shall have a duty to inform the Board of an action by an applicant for or holder of an interactive gaming service provider registration or certification, which the slot machine licensee, interactive gaming certificate holder or interactive gaming operator believes would constitute a violation of the act or this part.

CHAPTER 808a. INTERACTIVE GAMING PRINCIPALS AND KEY, GAMING AND NONGAMING EMPLOYEES

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808a.1.	General provisions.
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808a.3.	Interactive key employees.
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808a.6.	Board credentials.
808a.7.	Emergency and temporary credentials.
808a.8.	Loss, theft or destruction of credentials.

§ 808a.1. General provisions.

(a) An individual seeking a principal license, key employee license, gaming employee occupation permit or nongaming employee registration to participate in interactive gaming in this Commonwealth shall apply to the Board as follows:

(1) Principal and key employee applicants shall submit a completed Multi-Jurisdictional Personal History Disclosure Form as well as a completed Principal/Key Employee Form—Pennsylvania Supplement to the Multi-Jurisdictional Personal History Disclosure Form.

(2) Gaming employee occupation permit and nongaming employee registration applicants shall submit the Gaming Employee or Nongaming Employee Registration Application using the SLOTS Link Electronic Application system.

(3) All applicants shall submit the nonrefundable application fee posted on the Board's web site.

(b) In addition to the materials required in subsection (a), an applicant shall comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) The holder of a principal license, key employee license, gaming employee occupation permit or nongaming employee registration shall provide an updated photograph at the request of Board staff.

(d) An applicant for a gaming employee occupation permit or nongaming employee registration shall be at least 18 years of age.

(e) After reviewing the application and the results of the applicant's background investigation, the Board may issue a principal license, key employee license, gaming employee occupation permit or nongaming employee registration if the individual has proven that he is a person of good character, honesty and integrity, and is eligible and suitable to be licensed as a principal, key employee, gaming employee or nongaming employee.

(f) Slot machine licensees, interactive gaming certificate holders, interactive gaming operators, interactive

gaming manufacturers, interactive gaming suppliers and interactive gaming service providers that hire an individual who holds a key employee license, gaming employee occupation permit or registration issued by the Board shall contact the Bureau of Licensing to confirm that the individual's key employee license, gaming employee occupation permit or registration is in good standing prior to allowing the individual to perform work associated with interactive gaming in this Commonwealth.

(g) An individual who holds a principal license, key employee license, gaming employee occupation permit or registration is subject to all of the following wagering restrictions relative to interactive gaming:

(1) An individual whose job duties include interactive gaming and who holds a license, permit or registration and is currently employed by or is a principal of an interactive certificate holder may not place wagers on web sites offered by or associated with the interactive certificate holder. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed in a position that includes interactive gaming job duties before the individual may wager on web sites offered by or associated with the interactive certificate holder.

(2) An individual who holds a license, permit or registration and is currently employed by or is a principal of an interactive gaming operator may not wager on web sites operated by the interactive gaming operator. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed by the interactive gaming operator before the individual may wager on web sites operated by the interactive gaming operator.

(3) An individual whose job duties include interactive gaming and who holds a license, permit or registration and is currently employed by or is a principal of an interactive manufacturer or interactive supplier may not wager on web sites associated with interactive certificate holders in this Commonwealth that offer games or use equipment manufactured, supplied, developed or programmed by the interactive manufacturer or interactive supplier.

§ 808a.2. Interactive gaming principals.

(a) Principals and principal entities, as defined in §§ 401a.3 and 433a.1 (relating to definitions), shall submit an application for licensure as described in § 808a.1 (relating to general provisions).

(b) A principal license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(c) A renewal application for a principal license shall be filed at least 6 months prior to expiration of the current license.

(d) A principal license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(e) A principal license issued under this subpart will only be valid for the licensed or certified entity with which the principal is associated.

§ 808a.3. Interactive key employees.

(a) Key employees, as defined in §§ 401a.3 and 801a.2 (relating to definitions), shall submit an application for licensure as described in § 808a.1 (relating to general provisions).

(b) A key employee license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(c) A renewal application for a key employee license shall be filed at least 6 months prior to expiration of the current license.

(d) A key employee license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(e) A key employee license issued under this subpart will be valid for employment with any licensed or certified entity.

§ 808a.4. Interactive gaming employees.

(a) Gaming employees, as defined in §§ 401a.3 and 801a.2 (relating to definitions), shall submit an application for licensure as described in § 808a.1 (relating to general provisions).

(b) In addition to the materials required to be submitted under this subpart, gaming employee occupation permit applicants shall submit verification of an offer of employment from a licensed or certified entity.

(c) A gaming employee occupation permit and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(d) A renewal application for a gaming employee occupation permit shall be filed at least 6 months prior to expiration of the current permit.

(e) A gaming employee occupation permit for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(f) An individual who wishes to receive a gaming employee occupation permit under this subpart may authorize an applicant for or holder of a slot machine license, interactive gaming certificate, interactive gaming license, interactive gaming manufacturer license, interactive gaming supplier license, or interactive gaming service provider certification or registration to file an application on the individual's behalf.

(g) A gaming employee occupation permit issued under this chapter will be valid for employment with any licensed, certified or registered entity.

§ 808a.5. Interactive nongaming employees.

(a) Nongaming employees, as defined in § 401a.3 (relating to definitions), shall submit an application for registration as described in § 808a.1 (relating to general provisions).

(b) In addition to the materials required to be submitted under this subpart, nongaming employee registration applicants shall submit verification of an offer of employment from a licensed or certified entity.

(c) A nongaming employee registration and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(d) A renewal application for a nongaming employee registration shall be filed at least 6 months prior to expiration of the current registration.

(e) A nongaming employee registration for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(f) An individual who wishes to receive a nongaming employee registration under this subpart may authorize an applicant for or holder of a slot machine license, interactive gaming certificate, interactive gaming license, interactive gaming manufacturer license, interactive gaming supplier license, or interactive gaming service provider certification or registration to file an application on the individual's behalf.

(g) A nongaming employee registration issued under this chapter will be valid for employment with any licensed, certified or registered entity.

§ 808a.6. Board credentials.

The individuals required to be licensed, permitted or registered under this subpart shall obtain a Board credential as described in § 435a.6 (relating to Board credentials).

§ 808a.7. Emergency and temporary credentials.

The individuals required to be licensed, permitted or registered under this subpart may obtain an emergency or temporary Board credential as described in §§ 435a.7 and 435a.8 (relating to emergency credentials; and temporary credentials).

§ 808a.8. Loss, theft or destruction of credentials.

(a) As soon as possible, but no later than 24 hours following the loss, theft or destruction of a Board credential, emergency credential or temporary credential, the person to whom the credential was issued shall notify the Bureau of Licensing.

(b) The slot machine licensee, interactive gaming certificate holder or interactive gaming operator, on behalf of an employee whose Board-issued credential was lost, stolen or destroyed, may request a replacement Board credential by submitting a Request for Duplicate PGCB Credential Form and the fee established by the Board to the Bureau of Licensing.

CHAPTER 809a. INTERACTIVE GAMING PLATFORM REQUIREMENTS

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§ 809a.1. Scope.

To ensure players are not exposed to unnecessary security risks by choosing to participate in interactive gaming in this Commonwealth and to ensure the integrity and security of interactive gaming operations in this Commonwealth, the system requirements in this chapter apply to all of the following critical components of an interactive gaming system:

(1) Interactive gaming system components which record, store, process, share, transmit or retrieve sensitive player information (for example, credit and debit card details, authentication information and player account balances).

(2) Interactive gaming system components which generate, transmit or process random numbers used to determine the outcome of games or virtual events.

(3) Interactive gaming system components which store results or the current state of a player's wager.

(4) Points of entry and exit from the previously listed systems or other systems which are able to communicate directly with core critical systems.

(5) Communication networks which transmit sensitive player information.

§ 809a.2. Definitions.

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

Domain name system—The globally distributed Internet database which maps machine names to IP numbers, and vice versa.

Player device—The device that converts communications from the interactive gaming platform into a human interpretable form and converts human decisions into a communication format understood by the interactive gaming platform. The term includes personal computers, mobile phones, tablets, and the like.

Primary server—First source for Domain Name System data and responses to queries.

Remote access—Any access from outside the interactive gaming system or interactive gaming system network, including access from other networks within the same facility.

Secondary server or redundancy server—A server that shares the same features and capabilities as the primary server serves and acts as a second or substitutive point of contact in case the primary server is unavailable, busy or overloaded.

Stateful protocol—A protocol in which the communication system utilized by the player and the primary or secondary server tracks the state of the communication session.

Stateless protocol—A protocol in which neither the player nor the primary or secondary servers communication systems tracks the state of the communication session.

§ 809a.3. Location of equipment.

(a) The Board shall approve the location of all interactive gaming devices and associated equipment used by an interactive gaming certificate holder or interactive gaming operator to conduct interactive gaming. The interactive gaming devices and associated equipment may be located in a restricted area on the premises of the licensed facility, in an interactive gaming restricted area within the geographic limits of the county in this Commonwealth where the licensed facility is situated or any other area, located within the United States, provided the location adheres to all of the following limitations:

(1) The primary server used to resolve domain name service inquiries used by an interactive gaming certificate holder or interactive gaming operator to conduct interactive gaming in this Commonwealth must be physically located in a secure data center.

(2) Any redundancy, secondary and emergency servers used by an interactive gaming certificate holder or interactive gaming operator to conduct interactive gaming in this Commonwealth must be physically located in a secure data center at a separate premises than the primary server within the Commonwealth.

(b) The Board may require interactive gaming system data necessary to certify revenue and resolve player complaints to be maintained in this Commonwealth in a manner and location approved by the Board. The data

must include data related to the calculation of revenue, player transactions, game transactions, game outcomes, responsible gaming and any other data which may be prescribed by the Board. The data must be maintained in a manner which prevents unauthorized access or modification without the prior approval of the Board.

§ 809a.4. Physical and environmental controls for equipment.

(a) An interactive gaming system and the associated communications systems must be located in facilities which provide physical protection against damage from fire, flood, hurricane, earthquake, and other forms of natural or manmade disaster by utilizing and implementing at least all of the following measures:

(1) Security perimeters (barriers such as walls, card-controlled entry gates or manned reception desks) must be used to protect areas that contain interactive gaming systems components.

(2) Secure areas must be protected by appropriate entry controls to ensure that access is restricted to only authorized personnel.

(3) All access must be recorded in a secure log which is available for inspection by Board staff.

(4) Secure areas must include an intrusion detection system. Attempts at unauthorized access must be logged.

(b) Interactive gaming system servers must be located in server rooms which prohibit unauthorized access.

(c) Interactive gaming system servers must be housed in racks located within a secure area.

(d) Interactive gaming system components must provide all of the following minimum utility support:

(1) Interactive gaming system components must be provided with adequate primary power.

(2) Interactive gaming system components must have uninterruptible power supply equipment to support operations in the event of a power failure.

(3) There must be adequate cooling for the equipment housed in the server area.

(4) Power and telecommunications cabling carrying data or supporting information services must be protected from interception or damage.

(5) There must be adequate fire protection for the interactive gaming system components housed in the server room.

§ 809a.5. Access to equipment.

(a) The interactive gaming certificate holder and interactive gaming operator shall limit and control access to the primary server and any secondary servers by ensuring all of the following:

(1) Maintain access codes and other computer security controls.

(2) Maintain logs of user access, security incidents and unusual transactions.

(3) Coordinate and develop an education and training program on information security and privacy matters for employees and other authorized users.

(4) Ensure compliance with all State and Federal information security policies and rules.

(5) Prepare and maintain security-related reports and data.

(6) Develop and implement an incident reporting and response system to address security breaches, policy violations and complaints from external parties.

(7) Develop and implement an ongoing risk assessment program that targets information security and privacy matters by identifying methods for vulnerability detection and remediation and overseeing the testing of those methods.

(b) Remote access to an interactive gaming certificate holder or interactive gaming operator's interactive gaming system is only permitted as follows:

(1) To Board employees upon request and without limitation.

(2) For testing purposes with prior approval from and as limited by the Board.

(3) By employees of an interactive gaming certificate holder or an interactive gaming operator with prior approval from and as limited by the Board.

(c) All interactive gaming certificate holder's or interactive gaming operator's interactive gaming systems must be available for independent testing by the Board, without limitation.

§ 809a.6. System requirements.

(a) *Interactive gaming system methodology.* An interactive gaming system shall be designed with a methodology (for example, cryptographic controls) approved by the Board to ensure secure communications between a player's device and the interactive gaming system. When reviewing the security of an interactive gaming certificate holder or interactive gaming operator's interactive gaming system methodology, the Board will consider all of the following:

(1) The interactive gaming system methodology shall be designed to ensure the integrity and confidentiality of all player communication and ensure the proper identification of the sender and receiver of all communications. If communications are performed across a third-party network, the system must either encrypt the data packets or utilize a secure communications protocol to ensure the integrity and confidentiality of the transmission.

(2) Wireless communications between the player device and the primary or secondary server must be encrypted in transit using a method (for example, AES, IPsec and WPA2) approved by the Board.

(3) All communications that contain registered player account numbers, user identification, or passwords and PINs must utilize a secure method of transfer (for example, 128-bit key encryption) approved by the Board.

(4) Only devices authorized by the Board are permitted to establish communications between a player device and an interactive gaming system.

(5) Server-based interactive gaming systems must maintain an internal clock that reflects the current date and time that must be used to synchronize the time and date among all components that comprise the interactive gaming system. The interactive gaming system date and time must be visible to the registered player when logged on.

(b) *Change or modification.* Any change or modification to the interactive gaming system shall be handled in accordance with the Change Management guidelines issued and distributed to interactive gaming certificate holders, interactive gaming operators, and interactive gaming manufacturers.

(c) *Standards for data logging.* An interactive gaming system must meet all of the following standards regarding data logging:

(1) Interactive gaming systems must employ a mechanism capable of maintaining a separate copy of all of the information required to be logged in this section on a separate and independent logging device capable of being administered by an employee with no incompatible function. If the interactive gaming system can be configured so that any logged data is contained in a secure transaction file, a separate logging device is not required.

(2) Interactive gaming systems must provide a mechanism for the Board to query and export, in a format required by the Board, all interactive gaming system data.

(3) Interactive gaming systems must electronically log the date and time any player gaming account is created or terminated (Account Creation Log).

(4) An interactive gaming system must maintain all information necessary to recreate player game play and account activity during each player session, including any identity or location verifications, for not less than 10 years.

(5) Unless otherwise authorized by the Board, when software is installed on or removed from an interactive gaming system, the action must be recorded in a secure electronic log (Software Installation/Removal Log), which must include all of the following:

- (i) The date and time of the action.
- (ii) The identification of the software.
- (iii) The identity of the person performing the action.

(6) Unless otherwise authorized by the Board, when a change in the availability of game software is made on an interactive gaming system, the change must be recorded in a secure electronic log (Game Availability Log), which must include:

- (i) The date and time of the change.
- (ii) The identification of the software.
- (iii) The identity of the person performing the change.

(7) Unless otherwise exempted by the Board, an interactive gaming system must record all promotional offers (Promotions Log) issued through the system. The log must provide the information necessary as determined by the Board to audit compliance with the terms and conditions of current and previous offers.

(8) Results of all authentication attempts must be retained in an electronic log (Authentication Log) and accessible for not less than 90 days.

(9) All adjustments to an interactive gaming system data made using stored procedures must be recorded in an electronic log (Adjustments Log), which lists all of the following:

- (i) The date and time.
- (ii) The identification and user ID of user performing the action.
- (iii) A description of the event or action taken.
- (iv) The initial and ending values of any data altered as a part of the event or action performed.

(d) *Security requirements.*

(1) Networks should be logically separated so that there should be no network traffic on a network link which cannot be serviced by hosts on that link.

(2) Networks must meet all of the following requirements to assure security:

(i) The failure of any single item should not result in a denial of service.

(ii) An intrusion detection system/intrusion prevention system must be installed on the network which can do all of the following:

(A) Listen to both internal and external communications.

(B) Detect or prevent Distributed Denial of Service attacks.

(C) Detect or prevent shellcode from traversing the network.

(D) Detect or prevent Address Resolution Protocol spoofing.

(E) Detect other Man-in-the-Middle indicators and server communication immediately.

(iii) Each server instance in cloud and virtualized environments should perform only one function.

(iv) In virtualized environments, redundant server instances cannot run under the same hypervisor.

(v) Stateless protocols should not be used for sensitive data without stateful transport.

(vi) All changes to network infrastructure must be logged.

(vii) Virus scanners or detection programs, or both, should be installed on all pertinent information systems and should be updated regularly to scan for new strains of viruses.

(viii) Network security should be tested by a qualified and experienced individual on a regular basis.

(ix) Testing should include testing of the external interfaces and internal network.

(x) Testing of each security domain on the internal network should be undertaken separately.

(3) An annual security audit shall be performed to complement the required independent testing laboratory testing and annual encryption certification.

(i) The security audit shall cover the underlying operating systems, network components and hardware changes not included in the evaluation of the interactive gaming software.

(ii) The security audit shall be performed by an independent third party who shall provide a detailed report with remediation or mitigation plans to the board, and may take the form of any of the following:

(A) Penetration test.

(B) Vulnerability assessment.

(C) Compliance audit.

(D) Risk assessment.

(4) Internal and external network vulnerability scans shall be run at least quarterly, or after any change or modification to the interactive gaming system that requires approval by the Board under the change manage-

ment guidelines distributed under § 809a.6(b) (relating to system requirements), unless otherwise directed by the Board.

(i) Testing procedures must verify that four quarterly internal and external scans take place every 12 months and that re-scans occur until all medium risk (CVSS4.0 or higher) vulnerabilities are resolved.

(ii) The quarterly scans may be performed by either an independent third party or by a qualified employee of the interactive gaming certificate holder or interactive gaming operator.

(iii) Verification of the scans shall be submitted to the Board on a quarterly basis and must include a remediation or mitigation plan for any vulnerabilities not resolved prior to the submission of the verification.

(e) *Self-monitoring of critical components.* The interactive gaming system must implement the self-monitoring of critical components. A critical component that fails self-monitoring tests shall be taken out of service immediately and may not be returned to service until there is reasonable evidence that the fault has been rectified. Required self-monitoring measures include all of the following:

(1) The clocks of all components of the interactive gaming system must be synchronized with an agreed accurate time source to ensure consistent logging. Time skew shall be checked periodically.

(2) Audit logs recording user activities, exceptions and information security events must be produced and kept for a period of time to be determined by the Board to assist in investigations and access control monitoring.

(3) System administrators and system operator activities must be logged.

(4) Logging facilities and log information must be protected against tampering and unauthorized access.

(5) Any modifications, attempted modifications, read access, or other change or access to any interactive gaming system record, audit or log must be detectable by the interactive gaming system. It must be possible to see who has viewed or altered a log and when.

(6) Logs generated by monitoring activities shall be reviewed periodically using a documented process. A record of each review must be maintained.

(7) Interactive gaming system faults shall be logged, analyzed and appropriate actions taken.

(8) Network appliances with limited onboard storage must disable all communication if the audit log becomes full or offload logs to a dedicated log server.

(f) *System disclosure requirements.*

(1) A petitioner for or holder of an interactive gaming certificate, an applicant for or holder of an interactive gaming license, and an applicant for or holder of an interactive gaming manufacturer license shall seek Board approval of all source code used to conduct interactive gaming in this Commonwealth.

(2) All documentation relating to software and application development should be available for Board inspection and retained for the duration of its lifecycle.

(3) All software used to conduct interactive gaming in this Commonwealth shall be designed with a method, approved by the Board, that permits remote validation of software.

(g) *Shutdown and recovery capabilities.* The interactive gaming system must have all of the following shutdown and recovery capabilities to maintain the integrity of the hardware, software and data contained therein in the event of a shutdown:

(1) The interactive gaming system must be able to perform a graceful shutdown and only allow automatic restart on power up after all of the following procedures have been performed:

(i) The program resumption routine, including self-tests, completes successfully.

(ii) All critical control program components of the interactive gaming system have been authenticated using a method approved by the Board.

(iii) Communication with all components necessary for the interactive gaming system operation have been established and similarly authenticated.

(2) The interactive gaming system must be able to identify and properly handle the situation when master resets have occurred on other remote gaming components which affect game outcome, win amount or reporting.

(3) The interactive gaming system must have the ability to restore the system from the last backup.

(4) The interactive gaming system must be able to recover all critical information from the time of the last backup to the point in time at which the interactive gaming system failure or reset occurred.

(h) *Recovery plan.* An interactive gaming certificate holder or interactive gaming operator shall have a plan in place, approved by the Board, to recover interactive gaming operations in the event that the interactive gaming system is rendered inoperable (that is, Disaster/Emergency Recovery Plan). When reviewing the sufficiency of an interactive gaming certificate holder or interactive gaming operator's plan to recover interactive gaming system operations in the event the interactive gaming system is rendered inoperable, the Board will consider all of the following:

(1) The method of storing player account information and gaming data to minimize loss in the event the interactive gaming system is rendered inoperable.

(2) If asynchronous replication is used, the method for recovering data should be described or the potential loss of data should be documented.

(i) *Recovery plan requirements.* An interactive gaming certificate holder's or interactive gaming operator's Disaster/Emergency Recovery Plan must also:

(1) Delineate the circumstances under which it will be invoked.

(2) Address the establishment of a recovery site physically separated from the interactive gaming system site.

(3) Contain recovery guides detailing the technical steps required to re-establish gaming functionality at the recovery site.

(4) Include a Business Continuity Plan that addresses the process required to resume administrative operations of interactive gaming activities after the activation of the recovered platform for a range of scenarios appropriate for the operations context of the interactive gaming system.

(j) *Location of equipment.* Equipment used by a server-based interactive gaming system for the sole purpose of

restoring data following a disaster must be located in a location within the United States as approved by the Board.

(k) *Player self-exclusion.* The interactive gaming system must provide an easy and obvious mechanism for players to access the Board's self-exclusion database to self-exclude from interactive gaming.

(l) *Mechanism for temporary suspension.* The interactive gaming system must provide a mechanism by which a player may elect to temporarily suspend his or her interactive gaming account for a period of no less than 72 hours in accordance with the terms and conditions agreed to by the player upon registration.

§ 809a.7. Geolocation requirements.

(a) An interactive gaming system must employ a mechanism to detect the physical location of a player upon logging into the interactive gaming system and as frequently as specified in the Board's technical standards and the interactive gaming certificate holder's or interactive gaming operator's approved internal controls submission. If the system detects that the physical location of the player is in an area unauthorized for an interactive gaming system, the system shall not accept wagers and must disable any interactive gaming activity for that player until the player is in an authorized location.

(b) The geolocation system must be equipped to dynamically monitor the player's location and block unauthorized attempts to access the interactive gaming system throughout the duration of the gaming session.

(c) An interactive gaming certificate holder or interactive gaming operator must prevent registered players within a licensed facility from accessing authorized interactive games on the registered player's own computers or other devices through the use of geolocation technologies.

(d) Interactive gaming shall only occur within this Commonwealth unless the conduct of gaming is not inconsistent with Federal law, law of the jurisdiction, including any foreign nation, in which the participating player is located, or the gaming activity is conducted pursuant to a reciprocal agreement to which the Commonwealth is a party that is not inconsistent with Federal law.

§ 809a.8. Security policy requirements.

Interactive gaming certificate holders and interactive gaming operators shall adopt and maintain a Board-approved information security policy which describes the certificate holder's or licensee's approach to managing information security and its implementation. This policy is required in addition to any similar requirements that may be imposed as part of the certificate holder's or licensee's internal controls. The information security policy must:

- (1) Conform to the standards of the most recent version of the NIST cybersecurity framework.
- (2) Be reviewed annually as well as when significant changes occur to the interactive gaming system or the processes which alter the risk profile of the interactive gaming system.
- (3) Be approved annually by the certificate holder's or operator's management.
- (4) Be communicated to all employees and relevant external parties.
- (5) Delineate the responsibilities of the certificate-holder's or licensee's staff and the staff of any third

parties for the operation, service and maintenance of the interactive gaming system and its components.

CHAPTER 810a. INTERACTIVE GAMING TESTING AND CONTROLS

Sec.	
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§ 810a.1. Scope.

To ensure players are not exposed to unnecessary security risks by choosing to participate in interactive gaming in this Commonwealth and to ensure the integrity and security of interactive gaming operations in this Commonwealth, this chapter applies to all games an interactive gaming certificate holder or interactive gaming operator seeks to offer to players in this Commonwealth.

§ 810a.2. Definitions.

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

Artwork or *art*—Graphical and auditory information that is sent to the player device for presentation to the player.

Game cycle—The finite set of all possible combinations.

Personal progressive—A progressive jackpot which only one player contributes to with qualifying progressive wagers and which only that player can win.

Player interface—The interface within the software in which the player interacts. The term is also referred to as the gaming window.

Progressive jackpot—

(i) An increasing prize based on a function of credits that are wagered.

(ii) A monetary prize that increases in value based on a function of credits wagered.

(iii) The term includes prizes that are awarded based on criteria other than obtaining winning outcomes in the game, such as mystery progressives.

§ 810a.3. Minimum game standards.

All of the following requirements apply to the game information, artwork, paytables and help screens which include all written, graphical and auditory information provided to the player either directly from the game interface or from a page accessible to the player from the game interface through a hyperlink located in a conspicuous location.

(1) All statements and graphics within the gaming information, artwork, paytables and help screens must be accurate and not misleading.

(2) All game rules and payable information must be available to the player directly on the player interface or accessible from the player interface through a hyperlink without the need for funds to be deposited or funds to be staked.

(3) All game rules and payable information must be sufficient to explain all the applicable rules and how to participate in all stages of the game.

(4) Paytable information must include all possible winning outcomes, patterns, rankings and combinations, and their corresponding payouts with a designated denomination or currency. All displayed payouts must be theoretically possible.

(5) The rules of the game must inform the players of the imperfections of the communications medium for the game and how this affects them.

(6) There must be sufficient information regarding any award payout adjustments such as fees, rakes, commissions, and the like.

(7) If the artwork contains game instructions specifying a maximum win then it must be possible to win this amount from a single game (including features or other game options).

(8) For games that offer bonus bets that require a base game bet, the minimum percentage return to player of the bonus bet must take into account that a base game bet must be placed.

(9) If random/mystery prizes are offered, the maximum value obtainable from the random/mystery prize must be indicated. If the value of the random/mystery prize depends on credits wagered or any other factors, this must be stated.

(10) The artwork should clearly state the rules for payments of prizes when multiple wins are possible.

(i) A description of what combinations will be paid when a pay line may be interpreted to have more than one individual winning combination (“only highest paid win per line”).

(ii) When the game supports multiple pay lines, the artwork should display a message indicating wins on different pay lines are added or equivalent.

(iii) When the game supports scatters, artwork should display a message indicating that scattered wins are added to pay line wins, or equivalent, if this is the rule of the game.

(iv) The artwork should clearly communicate the treatment of coinciding scattered wins with respect to other possible scattered wins. For example, the artwork should state whether combinations of scattered symbols pay all possible prizes or only the highest prize.

(v) The artwork should clearly communicate the treatment of coinciding game outcome (that is, straight flush can be a flush and a straight, three red 7s can be any three 7s).

(11) If it is possible to bet on multiple lines and it is not clear which reel positions are part of each of the possible lines, then the additional lines must be clearly displayed on the artwork and appropriately labeled. The additional lines must either be shown on the displayed artwork, be available for display on a help screen or permanently displayed on all game-play screens in a location separate from the actual reels.

(12) When multiplier instructions are displayed on artwork, there must be no question as to whether the multiplier applies.

(13) All game symbols and objects must be clearly displayed to the player and not be misleading in any way.

Game symbols and objects must retain their shape throughout all artwork, except while animation is in progress.

(14) The artwork must clearly state which symbols and objects may act as a substitute or wild and in which winning combinations the substitute/wild may be applied.

(15) The artwork must clearly state which symbols and objects may act as scatter and in which winning combinations the scatter may be applied.

(16) The game may not advertise upcoming wins unless the advertisement is accurate and mathematically demonstrable.

(17) All of the following requirements apply to games depicting cards being drawn from a deck:

(i) A game which utilizes multiple decks of cards must clearly indicate the number of cards and card decks in play.

(ii) Once removed from the deck, cards may not be returned to the deck except as provided by the rules of the game depicted.

(iii) The deck may not be reshuffled except as provided by the rules of the game depicted.

(18) All of the following requirements apply to multi-wager games:

(i) Each individual wager to be played must be clearly indicated to inform the player as to which wagers have been made and the credits bet per wager.

(ii) Each winning prize obtained must be displayed to the player in a way that clearly associates the prizes to the appropriate wager. When there are wins associated with multiple wagers, each winning wager must be indicated in turn.

§ 810a.4. Minimum display standards.

All of the following game information must be visible or easily accessible to the player at all times during a player session:

- (1) The name of the game being played.
- (2) Restrictions on play or betting such as any play duration limits, maximum win values, and the like.
- (3) The player’s current session balance.
- (4) The current bet amount. This is only during the phase of the game when the player can add to or place additional bets for that phase.
- (5) Current placement of all bets.
- (6) The denomination of the bet.
- (7) The amount won for the last completed game (until the next game starts or betting options are modified).
- (8) The player options selected for the last completed game (until the next game starts or a new selection is made).
- (9) Initial player section options are to be described. Player selection options once the game has commenced should be clearly shown on the screen.

(10) The winning amount for each separate wager and total winning amount are to be displayed on the screen.

§ 810a.5. Random number generator standards.

(a) The random number generator must be cryptographically strong at the time of submission for approval. When more than one instance of a random number generator is used in an interactive gaming system, each

instance must be separately evaluated and certified. When each instance is identical but involves a different implementation within a game/application, each implementation shall also be separately evaluated and certified. Any outcomes from the random number generator used for game symbol selection/game outcome determination must be shown, by data analysis and a source code read, to:

(1) Be statistically independent, unless the submission has been approved for a persistent-state outcome determination.

(2) Be fairly distributed (within statistically expected bounds) over their range.

(3) Pass various recognized statistical tests.

(4) Be cryptographically strong.

(b) Random number generators must adhere to standards in § 461a.7 (relating to slot machine minimum design standards).

(c) The gaming laboratory may employ the use of various recognized tests to determine whether or not the random values produced by the random number generator pass the desired confidence level of 95%. These tests include the following:

(1) Chi-square test.

(2) Equi-distribution (frequency) test.

(3) Gap test.

(4) Overlaps test.

(5) Poker test.

(6) Coupon collectors test.

(7) Permutation test.

(8) Kolmogorov-Smirnov test.

(9) Adjacency criterion tests.

(10) Order statistic test.

(11) Runs tests (patterns of occurrences should not be recurrent).

(12) Interplay correlation test.

(13) Serial correlation test potency and degree of serial correlation (outcomes should be independent of the previous game, unless the submission has been approved for a persistent-state outcome determination).

(14) Tests on subsequences.

(15) Poisson distribution.

(d) The scaling method may not compromise the cryptographic strength of the random number generator. The scaling method must preserve the distribution of the scaled values. For example, if a 32-bit random number generator with a range of the set of integers in the closed interval $(0, 2_{32}-1)$ were to be scaled to the range of the set of integers in the closed interval $(1, 6)$ so that the scaled values can be used to simulate the roll of a standard six-sided die, then each integer in the scaled range should theoretically appear with equal frequency. In the example given, if the theoretical frequency for each value is not equal, then the scaling method is considered to have a bias. Thus, a compliant scaling method must have bias equal to zero.

(e) If the interactive gaming system utilizes hard-based random number generators, there must be dynamic/active, real-time monitoring of the output with a sample size large enough to allow for reasonably high statistically

powerful testing so that game play is disabled when an output testing failure is detected.

(f) If the interactive gaming system utilizes a software-based random number generator, it must adhere to all of the following:

(1) The period of the random number generator, in conjunction with the methods of implementing the random number generator outcomes, must be sufficiently large to ensure that all game independent outcome combinations/permutations are possible for the given game/application, unless the submission has been approved for a persistent-state outcome determination.

(2) The methods of seeding/reseeding must ensure that all seed values are determined in a manner that does not compromise the cryptographic security of the random number generator.

(3) To ensure that random number generator outcomes cannot be predicted, adequate background cycling/activity must be implemented in between games. Whenever a game outcome is made up of multiple mapped random number generator values, background cycling/activity must be implemented during the game (that is, in between the selection of each mapped random number generator value) to ensure that the game outcome is not comprised of sequential mapped random number generator outcomes. The rate of background cycling/activity must be sufficiently random in and of itself to prevent prediction.

§ 810a.6. Software authentication.

The acquisition and development of new software must follow defined processes in accordance with the information security policy.

(1) The production environment must be logically and physically separated from the development and test environments.

(2) Development staff shall be precluded from having access to promote code changes into the production environment. If, due to staffing limitations, this requirement cannot be met by the entity, the internal controls submitted to the Board shall describe what measures will be implemented to ensure the integrity of interactive games in the production environment.

(3) There must be a documented method to verify that test software is not deployed to the production environment.

(4) To prevent leakage of personal identifiable information, there must be a documented method to ensure that raw production data is not used in testing.

(5) All documentation relating to software and application development should be available and retained for the duration of its lifecycle.

§ 810a.7. Changes to game.

A change or modification to an interactive game shall be handled in accordance with the Change Management guidelines issued and distributed to interactive gaming certificate holders, interactive gaming operators and interactive gaming manufacturers.

§ 810a.8. Game rules.

(a) Interactive gaming certificate holders and interactive gaming operators shall adopt and adhere to written, comprehensive house rules governing wagering transactions by and between authorized players that are avail-

able for review at all times by players through a conspicuously displayed link. House rules must include all of the following:

- (1) Clear and concise explanation of all fees.
- (2) The rules of play of a game.
- (3) Any monetary wagering limits.
- (4) Any time limits pertaining to the play of a game.
- (b) House rules must be approved by the Board.

(c) House rules that deviate from Board regulations shall be submitted to the Board's Office of Gaming Laboratory Operations for review and approval prior to submission to the Board for approval prior to implementation.

§ 810a.9. Fairness.

(a) All critical functions including the generation of the result of any game (and the return to the player) must be generated by the interactive gaming platform and be independent of the player device. All of the following also apply:

- (1) Game outcome may not be affected by the effective bandwidth, link utilization, bit error rate or other characteristic of the communications channel between the interactive gaming platform and the player device.
- (2) Determination of events of chance that result in a monetary award may not be influenced, affected or controlled by anything other than numerical values derived in an approved manner from the certified random number generator when applicable and in conjunction with the rules of the game.
- (3) Each possible permutation or combination of game elements that produces winning or losing game outcomes must be available for random selection at the initiation of each play, unless otherwise denoted by the game.
- (4) As game symbols are selected or game outcomes are determined, they must be immediately used as directed by the rules of the game.
- (5) When the game requires a sequence or mapping of symbols or outcomes to be set up in advance, the symbols or outcomes should not be resequenced or remapped, except as provided for in the rules of the game.
- (6) After selection of the game outcome, the game may not make a variable secondary decision which affects the result shown to the player.
- (7) Except as provided by the rules of the game, events of chance within games should be independent and not correlated with any other events within the game or events within the previous game, unless the submission has been approved for a persistent-state outcome determination.
- (8) For game types such as a spinning reel game, unless otherwise disclosed to the player, the mathematical probability of a symbol appearing in a position for any game outcome must be constant.

(b) A game may not be designed to give the player a false expectation of better odds by misrepresenting any occurrence or event.

(1) Games that are designed to give the player the perception that they have control over the game due to player skill when they actually do not must fully address this behavior in the game help screens.

(2) The final outcome of each game must be displayed for a sufficient length of time that permits a player to verify the outcome of the game.

§ 810a.10. Prohibitions.

(a) *Forced game play.*

(1) The player may not be forced to play a game just by selecting that game.

(2) It must not be possible to start a new game in the same player interface instance before all relevant meters have been updated on the interactive game system and all other relevant connections and player session balance or, if applicable, the player's total balance has been updated.

(3) If an auto play mode is incorporated, it must be possible to turn this mode off at any time during game play.

(b) *Bots and computerized players.* Bots or computerized players are only permitted when employed by the interactive gaming system in free play or training mode, or if use of the bot or computerized player satisfies all of the following:

- (1) The use of artificial intelligence software must be clearly explained in the help menus.
- (2) All computerized players must be clearly marked at the tables so that players are aware of which players are not human.

(c) *Incomplete games.* A game is incomplete when the game outcome remains unresolved or the outcome cannot be properly seen by the player.

(1) The interactive gaming certificate holder or interactive gaming operator may provide a mechanism for a player to complete an incomplete game.

(2) Incomplete games shall be resolved before a player is permitted to participate in another instance of the same game.

(3) Wagers associated with an incomplete game must be voided within 30 days and the wagers can be forfeited or returned to the player provided that:

- (i) The terms and conditions or the game rules, or both, must clearly define how wagers will be handled when they remain undecided beyond the specified time period and the interactive gaming system must be capable of returning or forfeiting the wagers, as appropriate.
- (ii) In the event that a game cannot be continued due to an interactive gaming system action, all wagers must be returned to the players of that game.

(d) *Auto play prohibited.* Game play shall be initiated only after a registered player has affirmatively placed a wager and activated play. An auto play feature is not permitted in game software unless authorized by the Board, and if permitted shall not exceed 50 spins.

§ 810a.11. Controls.

(a) A replay last game feature either as a re-enactment or by description must be available to players. The replay must clearly indicate that it is a replay of the entire previous game cycle, and must provide, at a minimum, all of the following information:

- (1) The date and time the game started or ended, or both.
- (2) The display associated with the final outcome of the game, either graphically or by a clear text message.

(3) Total player cash/credits at start or end of play, or both.

(4) Total amount bet.

(5) Total cash/credits won for the prize (including progressive jackpots).

(6) The results of any player choices involved in the game outcome.

(7) Results of any intermediate game phases, such as gambles or feature games.

(8) Amount of any promotional awards received, if applicable.

(b) For each individual game played, all of the following information must be recorded, maintained and easily demonstrable by the interactive gaming system:

(1) Unique player ID.

(2) Contributions to progressive jackpot pools, if applicable.

(3) Game status (in progress, complete, and the like).

(4) The table number, if applicable, at which the game was played.

(5) The payable used.

(6) Game identifier and version.

(c) An organized event that permits a player to either purchase or be awarded the opportunity to engage in competitive play against other players may be permitted providing all of the following rules are met:

(1) While enabled for tournament play, a game may not accept real money from any source, nor pay out real money in any way, but must utilize tournament specific credits, points or chips which have no cash value.

(2) Interactive gaming contest/tournament rules are available to a player on the web site where the interactive gaming contest/tournament is being conducted. The rules must include, at a minimum, all of the following:

(i) All conditions players shall meet to qualify for entry into and advancement through the contest/tournament.

(ii) Any conditions concerning late arrivals or complete tournament no-shows and how auto-blind posting or initial entry purchase, or both, is handled.

(iii) Specific information pertaining to any single contest/tournament, including the amount of money placed in the prize pool.

(iv) The distribution of funds based on specific outcomes.

(v) The name of the organization or person that conducted the contest/tournament on behalf of, or in conjunction with, the operator, if applicable.

(3) The results of each contest/tournament shall be made available on the interactive gaming web site for the players to review. Subsequent to being posted on the web site, the results of each contest/tournament shall be available upon request. The recording must include all of the following:

(i) Name of the event.

(ii) Date of event.

(iii) Total number of entries.

(iv) Amount of entry fees.

(v) Total prize pool.

(vi) Amount paid for each winning category.

(d) All of the following requirements apply to the disabling and re-enabling of gambling on the interactive gaming system:

(1) The interactive gaming system must be able to disable or enable all gambling on command.

(2) When any gambling is disabled or enabled on the interactive gaming system an entry must be made in an audit log that includes the reason for any disable or enable.

(e) When a game or gaming activity is disabled:

(1) The game is not to be accessible to a player once the player's game has fully concluded.

(2) The player should be permitted to conclude the game in play (that is, bonus rounds, double up/gamble and other game features related to the initial game wager should be fully concluded).

(3) If wagers have been placed on pending real-life events:

(i) The terms and conditions must clearly define what happens to the wagers if the gaming activity is to remain disabled and the corresponding real-life event is completed, and the interactive gaming system must be capable of returning all bets to the players or settling all bets, as appropriate.

(ii) The terms and conditions must clearly define what happens to the wagers if the gaming activity is to re-enable before the corresponding real-life event is completed, and the interactive gaming system must be capable of returning all bets to the players, or leaving all bets active, as appropriate.

(f) When one or more feature/bonus prize may be paid to the player, the bonus game must be part of the overall payable theoretical return to player.

(g) All progressive jackpots must adhere to all of the following:

(1) All players that play progressive jackpot games must be made aware of actions which would make them eligible to win the progressive jackpot.

(2) When progressive jackpot contributions are part of the return to player calculation, the contributions may not be assimilated into revenue. If a cap is established on any progressive jackpot all additional contributions once that cap is reached are to be credited to a diversion pool.

(3) The rules of the game must incorporate how the progressive jackpot is funded and determined.

(4) If a minimum bet amount exists for a player to win a progressive jackpot, then the return to player (excluding the progressive jackpot) must meet the minimum player return in accordance with § 461a.7(a) (relating to slot machine minimum design standards). The calculation of the theoretical payout percentage may not include the amount of any progressive jackpot in excess of the initial reset amount.

(5) The current progressive jackpot amount should be displayed on all player devices participating in the progressive jackpot. This display should be updated on all participating player devices at least every 30 seconds.

(6) The rules of the game must inform the players of any maximum awards or time limits, or both, which may exist for each progressive jackpot.

(7) For progressive jackpots offering multiple levels of awards, the player must always be paid the higher amount if a particular combination is won that should

trigger the higher paying award. This may occur when a winning combination may be evaluated as more than one of the available payable combinations (that is, a flush is a form of a straight flush and a straight flush is a form of a royal flush). There may be situations when the progressive jackpot levels must be swapped to ensure the player is being awarded the highest possible value based on all combinations the outcome may be defined as.

(8) If multiple progressive jackpots occur at approximately the same time and there is no definitive way of knowing which jackpot occurred first, the operator shall adopt procedures, approved by the Board, for resolution. The rules of the game must include information which addresses the resolution of this possibility.

(9) All progressive jackpots must adhere to standards in §§ 461a.12 and 461a.13 (relating to progressive slot machines; and wide area progressive systems), except for any physical requirements deemed inapplicable by the Board and subject to the following modifications:

(i) Notice of intent to transfer a progressive jackpot must be conspicuously displayed on the interactive game icon and at all times during a gameplay by means of methodology approved by the Board for a period at least 10 days immediately preceding the transfer of the progressive jackpot.

(ii) Within § 461a.12, the term “gaming floor” used regarding land-based progressives shall be analogous to the term “interactive gaming platform” used regarding interactive gaming progressives.

(10) If a progressive jackpot is offered as a personal progressive that only one player contributes to and only that player can win, the player’s contributions to the progressive jackpot must be refunded to the player within 30 days if the player’s interactive gaming account is closed for any reason.

§ 810a.12. Test accounts.

(a) Interactive gaming certificate holders and interactive gaming operators may establish test accounts to be used to test the various components and operation of an interactive gaming system in accordance with internal controls, which, at a minimum, address all of the following:

(1) The procedures for the issuance of funds used for testing, including the identification of who is authorized to issue the funds and the maximum amount of funds that may be issued.

(2) The procedures for assigning each test account for use by only one person.

(3) The maintenance of a record for all test accounts to include when they are active, to whom they are issued and the employer of the person to whom they are issued.

(4) The procedures for the auditing of testing activity by the interactive gaming certificate holder or interactive gaming operator to ensure the accountability of funds used for testing and proper adjustments to gross interactive gaming revenue.

(5) The ability to withdraw funds from a test account without the Board’s prior approval must be disabled by the interactive gaming system.

(6) For testing of peer-to-peer games:

(i) A person may utilize multiple test accounts.

(ii) Test account play shall be conducted without the participation of players.

(b) In addition to the required internal controls in subsection (a)(1)–(6), for any wagering on test accounts conducted outside the boundaries of this Commonwealth, the procedures for auditing of testing activity must include the method for ascertaining the location from which persons using test accounts access the interactive gaming system.

CHAPTER 811a. INTERACTIVE GAMING ACCOUNTING AND INTERNAL CONTROLS

Sec.

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§ 811a.1. Scope.

To ensure the integrity and security of interactive gaming operations in this Commonwealth, this chapter applies to all interactive gaming certificate holders or interactive gaming operators seeking to offer interactive gaming to registered players in this Commonwealth.

§ 811a.2. Internal controls.

(a) At least 90 days prior to commencing interactive gaming under this part, an interactive gaming certificate holder or interactive gaming operator shall submit to the Board for approval internal controls for all aspects of interactive gaming prior to implementation and any time a change is made thereafter. The internal controls must include detailed procedures for system security, operations, accounting, and reporting of compulsive and problem gamblers.

(b) Notwithstanding subsection (a), the procedures and controls may be implemented by an interactive gaming certificate holder or interactive gaming operator upon the filing of the procedures and controls with the Board. Each procedure or control submission must contain narrative and diagrammatic representations of the system to be utilized and must include all of the following:

(1) Procedures for reliable accounting controls, including the standardization of forms and definition of terms to be utilized in the interactive gaming operations.

(2) Procedures, forms and, when appropriate, formulas to govern all of the following:

- (i) Calculation of hold percentages.
- (ii) Revenue drops.
- (iii) Expense and overhead schedules.
- (iv) Complimentary services.
- (v) Cash-equivalent transactions.

(3) Job descriptions and the system of personnel and chain of command establishing a diversity of responsibility among employees engaged in interactive gaming operations, including employees of an interactive gaming operator, and identifying primary and secondary management and supervisory positions for areas of responsibility, salary structure and personnel practices.

(4) Procedures for the registration of players and establishment of interactive gaming accounts, including a procedure for authenticating the age, identity and physical address of an applicant for an interactive gaming account and whether the applicant is a person prohibited from establishing or maintaining an account under sec-

tion 13B22 of the act (relating to establishment of interactive gaming accounts).

(5) Procedures for terminating a registered player's interactive gaming account and the return of any funds remaining in the interactive gaming account to the registered player.

(6) Procedures for suspending or terminating a dormant interactive gaming account and the return of any funds remaining in the dormant interactive gaming account to the registered player.

(7) Procedures for the logging in and authentication of a registered player to enable the player to commence interactive gaming and the logging off of the registered player when the player has completed play, including a procedure to automatically log a registered player out of the player's interactive gaming account after a specified period of inactivity.

(8) Procedures for the crediting and debiting of a registered player's interactive gaming account.

(9) Procedures for cashing checks, receiving electronic negotiable instruments, and redeeming chips, tokens or other cash equivalents.

(10) Procedures for withdrawing funds from an interactive gaming account by the registered player.

(11) Procedures for the protection of a registered player's funds, including the segregation of a registered player's funds from operating funds of the interactive gaming certificate holder or interactive gaming operator.

(12) Procedures for recording transactions pertaining to interactive gaming.

(13) Procedures for the security and sharing of personal identifiable information of a registered player, funds in an interactive gaming account and other information as required by the Board. The procedures must include the means by which an interactive gaming certificate holder or interactive gaming operator will provide notice to a registered player related to the sharing of personal identifiable information.

(14) Procedures and security for the calculation and recordation of revenue.

(15) Procedures for the security of interactive gaming devices and associated equipment.

(16) Procedures and security standards as to receipt, handling, and storage of interactive gaming devices and associated equipment.

(17) Procedures and security standards to protect the interactive gaming certificate holder's or interactive gaming operator's interactive gaming skin or interactive gaming web site and interactive gaming devices and associated equipment from hacking or tampering by any person.

(18) Procedures for responding to suspected or actual hacking or tampering with an interactive gaming certificate holder's or interactive gaming operator's interactive gaming skin or interactive gaming web site and interactive gaming devices and associated equipment, including partial or complete suspension of interactive gaming or the suspension of any or all interactive gaming accounts when warranted.

(19) Procedures to verify each registered player's physical location each time a registered player logs into his interactive gaming account and at appropriate intervals thereafter as determined by the Board.

(20) Procedures to ensure that the interactive games are fair and honest and that appropriate measures are in place to deter, detect and, to the extent possible, prevent cheating, including collusion and use of cheating devices, including the use of software programs that make wagers according to algorithms.

(21) Procedures to assist problem and compulsive gamblers, including procedures intended to prevent a person from participating in authorized interactive gaming who is otherwise prohibited from participating in interactive gaming.

(22) Procedures to govern emergencies, including suspected or actual cyber-attacks, hacking or tampering with the interactive gaming certificate holder's interactive gaming skin, interactive gaming platform or interactive gaming web site. The procedures must include the process for the reconciliation or repayment of a registered player's interactive gaming account.

(c) The submission required under subsections (a) and (b) must include a detailed description of the interactive gaming certificate holder's or interactive gaming operator's administrative and accounting procedures related to interactive gaming, including its written system of internal controls. Each written system of internal controls must include all of the following:

(1) An organizational chart depicting appropriate duties and responsibilities of the key employees involved in interactive gaming.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) The record retention policy of the interactive gaming certificate holder or interactive gaming operator.

(4) The procedure to be utilized to ensure that money generated from the conduct of interactive gaming is safeguarded and accounted for.

(5) 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.

(6) Procedures to be utilized by an employee of an interactive gaming certificate holder or interactive gaming operator in the event of a malfunction of an interactive gaming system or other equipment used in the conduct of interactive gaming.

(7) Procedures to be utilized by the interactive gaming certificate holder or interactive gaming operator to prevent persons under 21 years of age, self-excluded or involuntary excluded individuals, and players outside this Commonwealth, unless otherwise authorized by an interactive gaming reciprocal agreement, from engaging in interactive gaming.

(8) Other items the Board may request in writing to be included in the internal controls.

(d) Prior to authorizing an interactive gaming certificate holder or interactive gaming operator to commence the conduct of interactive gaming, the Board will review the system of internal controls, security protocols and audit protocols submitted under this chapter to determine whether they conform to the requirements of this chapter and whether they provide adequate and effective controls for the conduct of interactive gaming.

(e) If an interactive gaming certificate holder or interactive gaming operator 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 interactive gaming certificate holder or interactive gaming operator may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the interactive gaming certificate holder or interactive gaming operator receives written notice tolling the change or amendment in accordance with this chapter or written notice from the Board's Executive Director rejecting the change or amendment.

(f) If during the 30-day review period in this chapter, the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains an insufficiency likely to negatively affect the integrity of interactive gaming or the control of revenue generated from interactive gaming, the Bureau of Gaming Operations, by written notice to the interactive gaming certificate holder or interactive gaming operator, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30-calendar day review period in this chapter is to be tolled and that any internal controls at issue not be implemented until approved under this chapter.

(g) Examples of submissions that may contain an insufficiency likely to negatively affect the integrity of interactive gaming may include the following:

(1) Submissions that fail to provide information sufficient to permit the review of interactive gaming activities by the Board, the Bureau, the Department or law enforcement.

(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 and perpetrate a fraud and to 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 the act or this part.

(4) Submissions that would implement operations or accounting procedures not authorized by the act or this part.

(h) Whenever a change or amendment has been tolled under this chapter, the interactive gaming certificate holder or interactive gaming operator may submit a revised change or amendment within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The interactive gaming certificate holder or interactive gaming operator may implement 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 interactive gaming certificate holder or interactive gaming operator receives written notice tolling the change or amendment in accordance with this chapter or written notice from the Board's Executive Director rejecting the change or amendment.

§ 811a.3. Terms and conditions.

(a) An interactive gaming certificate holder or interactive gaming operator shall develop terms and conditions for interactive gaming which must be included in the internal controls. The terms and conditions and any changes thereto shall be acknowledged by the player and the acknowledgment must be date and time-stamped by the interactive gaming system.

(b) The terms and conditions must address all aspects of the interactive gaming operation, including all of the following:

(1) The name of the party with whom the player is entering into a contractual relationship, including any interactive gaming certificate holder or interactive gaming operator.

(2) The player's consent to have the interactive gaming certificate holder or interactive gaming operator confirm the player's age and identity.

(3) Rules and obligations applicable to the player other than rules of the game including all of the following:

(i) Prohibition from allowing any other person to access or use his interactive gaming account.

(ii) Prohibition from engaging in interactive gaming activity, unless the player is physically located in this Commonwealth, unless this gaming is authorized by an interactive gaming reciprocal agreement.

(iii) Consent to the monitoring and recording by the interactive gaming certificate holder, interactive gaming operator or the Board, or all of the above, of any wagering communications and geographic location information.

(iv) Consent to the jurisdiction of this Commonwealth to resolve any disputes arising out of interactive gaming.

(v) Prohibition against utilizing automated computerized software or other equivalent mechanism, such as a bot, to engage in play.

(4) Full explanation of all fees and charges imposed upon a player related to interactive gaming transactions.

(5) Availability of account statements detailing player account activity.

(6) Privacy policies, including information access and use of customer data.

(7) Legal age policy, including a statement that it is a criminal offense to allow a person who is under 21 years of age to participate in interactive gaming and a player who does so must be prohibited from interactive gaming.

(8) Notification that if the player's interactive gaming account remains dormant for 2 year any funds remaining on deposit and any pending wagers shall be forfeited.

(9) The player's right to set responsible gaming limits and self-exclude.

(10) The player's right to suspend his account for no less than 72 hours.

(11) Actions that will be taken in the event a player becomes disconnected from the interactive gaming system during game play.

(12) Notice that a malfunction voids all pays.

(13) Estimated time-period for withdrawal of funds from the interactive gaming account.

(14) Detailed information to be displayed on a player protection page.

(15) Method for changing or retrieving a password or other approved access security feature and the ability to choose strong authentication login protection.

(16) Method for filing a complaint with the interactive gaming certificate holder or interactive gaming operator and method for filing with the Board an unresolved complaint after all reasonable means to resolve the complaint with the interactive gaming certificate holder or interactive gaming operator have been exhausted.

(17) Method for obtaining a copy of the terms and conditions agreed to when establishing an interactive gaming account.

(18) Method for the player to obtain account and game history from the interactive gaming certificate holder or interactive gaming operator.

(19) Notification of Federal prohibitions and restrictions regarding interactive gaming, specifically, any limitations upon interactive gaming in 18 U.S.C.A. § 1084 and the Unlawful Internet Gambling Enforcement Act of 2006 (31 U.S.C.A. §§ 5361—5367). The notice must explicitly state that it is a Federal offense for persons physically located outside of this Commonwealth to engage in interactive wagering through an interactive gaming certificate holder or interactive gaming operator unless explicitly authorized by the Board or an interactive gaming reciprocal agreement.

(20) Any other information required by the Board.

§ 811a.4. Information to be displayed on web site.

Interactive gaming certificate holders and interactive gaming operators shall provide for the prominent display of all of the following information on a page which, by virtue of the construction of the web site, authorized players must access before beginning a gambling session:

(1) The full name of the interactive gaming certificate holder or interactive gaming operator and address from which it carries on business.

(2) A logo, to be provided by the Board, indicating that the interactive gaming certificate holder or interactive gaming operator on behalf of the interactive gaming certificate holder is authorized to operate interactive gaming in this Commonwealth.

(3) The interactive gaming certificate holders and interactive gaming operator's license number.

(4) A statement that persons under 21 years of age are not permitted to engage in interactive gaming.

(5) A statement that persons located in a jurisdiction where interactive gaming is not legal are not permitted to engage in interactive gaming.

(6) Active links to all of the following:

(i) Information explaining how disputes are resolved.

(ii) A problem gambling web site that is designed to offer information pertaining to responsible gaming.

(iii) The Board's web site.

(iv) A web site that allows for an authorized player to choose to be excluded from engaging in interactive gaming.

(v) A link to the house rules adopted by the interactive gaming certificate holder or interactive gaming operator.

§ 811a.5. Segregation of bank accounts and reserve requirements.

(a) An interactive gaming certificate holder or interactive gaming operator shall maintain a bank account for player's funds separate from all other operating accounts to ensure the security of funds held in the player's interactive gaming accounts.

(b) The balance maintained in this account must be greater than or equal to the sum of the daily ending cashable balance of all player interactive gaming accounts, funds on game and pending withdrawals.

(c) An interactive gaming certificate holder or interactive gaming operator shall have unfettered access to all

player interactive gaming account and transaction data to ensure the amount held in its independent account is sufficient. An interactive gaming certificate holder's or interactive gaming operator's chief financial officer shall file a quarterly attestation with the Board, unless otherwise directed by the Board, that the funds have been safeguarded under this section.

§ 811a.6. Interactive gaming certificate holder's or interactive gaming operator's organization.

(a) An interactive gaming certificate holder's or interactive gaming operator's systems of internal controls must include organization charts depicting segregation of functions and responsibilities and descriptions of the duties and responsibilities for each position shown on each organization chart. Interactive gaming certificate holders and interactive gaming operators are permitted, except as otherwise provided in this section, to tailor organizational structures to meet the needs or policies of a particular management philosophy. An interactive gaming certificate holder's and interactive gaming operator's organization charts must provide for all of the following:

(1) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their areas of responsibility.

(2) The segregation of incompatible functions, duties and responsibilities so that an employee is not in a position to commit an error and perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) The performance of all functions, duties and responsibilities in accordance with sound financial practices by qualified personnel.

(4) The areas of responsibility which are not so extensive as to be impractical for an individual to monitor.

(b) In addition to other positions required as part of an interactive gaming certificate holder's or interactive gaming operator's internal controls, an interactive gaming certificate holder, interactive gaming operator, or other licensed entity involved in the operation of the interactive gaming system as approved by the Board, shall maintain an information technology department supervised by an individual licensed as a key employee who functions, for regulatory purposes, as the information technology director. An interactive gaming certificate holder, interactive gaming operator, or other licensed entity involved in the operation of the interactive gaming system as approved by the Board, shall employ an information technology security officer and an interactive gaming manager, both of whom shall be licensed as a key employee.

(c) The information technology director shall be responsible for the integrity of all data, and the quality, reliability and accuracy of all computer systems and software used by the interactive gaming certificate holder in the conduct of interactive gaming, whether the data and software are located within or outside the certificate holder's or interactive gaming operator's facility, including, without limitation, specification of appropriate computer software, hardware and procedures for security, physical integrity, audit and maintenance of all of the following:

(1) Access codes and other computer security controls used to insure appropriately limited access to computer software and data.

(2) Monitoring logs of user access, security incidents and unusual transactions.

(3) Logs used to document and maintain the details of any hardware and software modifications.

(4) Computer tapes, disks or other electronic storage media containing data relevant to interactive gaming operations.

(5) Computer hardware, communications equipment and software used in the conduct of interactive gaming.

(d) The information technology security officer, or other position as approved by the Board, shall report to the information technology director and be responsible for all of the following:

(1) Maintaining access codes and other computer security controls used to insure appropriately limited access to computer software and data.

(2) Reviewing logs of user access, security incidents and unusual transactions.

(3) Coordinating the development of the interactive gaming certificate holder's or interactive gaming operator's information security policies, standards and procedures.

(4) Coordinating the development of an education and training program on information security and privacy matters for employees and other authorized users.

(5) Ensuring compliance with all State and Federal information security policies and rules.

(6) Preparing and maintaining security-related reports and data.

(7) Working with internal and external audit personnel to ensure all findings are addressed in a timely and effective manner.

(8) Developing and implementing an Incident Reporting and Response System to address security breaches, policy violations and complaints from external parties.

(9) Serving as the official contact for information security and data privacy issues, including reporting to law enforcement.

(10) Developing and implementing an ongoing risk assessment program that targets information security and privacy matters by identifying methods for vulnerability detection and remediation and overseeing the testing of those methods.

(11) Remaining current with the latest information technology security and privacy legislation, rules, advisories, alerts and vulnerabilities to ensure the interactive gaming certificate holder's or interactive gaming operator's security program and security software is effective.

(e) The interactive gaming manager shall report to the information technology director, or other department manager as approved by the Board, and be responsible for ensuring the proper operation and integrity of interactive gaming and reviewing all reports of suspicious behavior. The interactive gaming manager shall immediately notify the Bureau upon detecting any person participating in interactive wagering who is:

(1) Engaging in or attempting to engage in, or who is reasonably suspected of cheating, theft, embezzlement, collusion, money laundering or any other illegal activities.

(2) A self-excluded person under the act and Board regulations.

(3) Prohibited by the interactive gaming certificate holder or interactive gaming operator from interactive gaming.

§ 811a.7. Mandatory interactive gaming system logging.

(a) An interactive gaming system must employ a mechanism capable of maintaining a separate copy of the information required to be logged under this chapter on a separate and independent logging device capable of being administered by an employee with no incompatible function. If the interactive gaming system can be configured so that any logged data is in a secure transaction file, a separate logging device is not required.

(b) An interactive gaming system must provide a mechanism for the Board to query and export, in a format required by the Board, all gaming system data.

(c) An interactive gaming system must electronically log the date and time any interactive gaming account is created or terminated (Account Creation Log).

(d) An interactive gaming system must maintain all information necessary to recreate player game play and account activity during each player session, including any identity or location verifications, for no less than 10 years.

(e) Unless otherwise authorized by the Board, when software is installed on or removed from an interactive gaming system, the action must be recorded in a secure electronic log (Software Installation/Removal Log), which must include all of the following:

- (1) The date and time of the action.
- (2) The identification of the software.
- (3) The identity of the person performing the action.

(f) Unless otherwise authorized by the Board, when a change in the availability of game software is made on a gaming system, the change must be recorded in a secure electronic log (Game Availability Log), which must include all of the following:

- (1) The date and time of the change.
- (2) The identification of the software.
- (3) The identity of the person performing the change.

(g) Unless otherwise exempted by the Board, an interactive gaming system must record all promotional offers (Promotions Log) issued through the system. The Promotions Log must provide the information necessary to audit compliance with the terms and conditions of current and previous offers.

(h) Results of all authentication attempts must be retained in an electronic log (Authentication Log) and accessible for 90 days.

(i) All adjustments to gaming system data made using stored procedures must be recorded in an electronic log (Adjustments Log), which lists all of the following:

- (1) The date and time.
- (2) The identification and user ID of user performing the action.
- (3) A description of the event or action taken.
- (4) The initial and ending values of any data altered as a part of the event or action performed.

§ 811a.8. Records/data retention requirements.

(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 the interactive gaming certificate holder or interactive gaming operator including all forms, reports, accounting

records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records required to be generated and maintained under this part. This definition applies without regard to the medium through which the record is generated or maintained (for example, paper, magnetic media or encoded disk).

(b) Original books, records and documents pertaining to the operation of interactive gaming must be:

(1) 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.

(2) Retained in a secure location by the interactive gaming certificate holder or interactive gaming operator that is equipped with a fire suppression system or at another location approved under subsection (d).

(3) Made available for inspection by agents of the Board, the Department and the Pennsylvania State Police during all hours of operation.

(4) Organized and indexed in a manner to provide immediate accessibility to agents of the Board, the Department and the Pennsylvania State Police.

(5) Destroyed only after expiration of the minimum retention period specified in subsection (c), except that the Board may, upon the written request of an interactive gaming certificate holder or interactive gaming operator and for good cause shown, permit the destruction at an earlier date.

(c) Original books, records and documents shall be retained by an interactive gaming certificate holder or interactive gaming operator for a minimum of 5 years.

(d) An interactive gaming certificate holder or interactive gaming operator may request, in writing, that the Board's Executive Director approve an alternative location outside of this Commonwealth to store original books, records and documents. The request must include all of the following:

(1) A detailed description of the proposed location, including security and fire suppression systems.

(2) The procedures under which the Board, the Department and the Pennsylvania State Police will be able to gain access to the original books, records and documents retained at the location outside of this Commonwealth.

(e) An interactive gaming certificate holder or interactive gaming operator may request, in writing, that the Board's Executive Director approve a microfilm, microfiche or other suitable media system for the copying and storage of original books, records and documents. The request must include representations regarding all of the following:

(1) The processing, preservation and maintenance methods which will be employed to ensure that the books, records and documents are available in a format which makes them readily available for review and copying.

(2) The inspection and quality control methods which will be employed to ensure that microfilm, microfiche or other media when displayed on a reader/viewer or reproduced on paper exhibits a high degree of legibility and readability.

(3) The availability of a reader/printer for use by the Board, the Department and the Pennsylvania State Police at the location approved by the Board and the readiness

with which the books, records or documents being stored on microfilm, microfiche or other media can be located, read and reproduced.

(4) The availability of a detailed index of all microfilm, microfiche or other stored data maintained and arranged in a manner to permit the immediate location of any particular book, record or document.

(f) Nothing herein shall be construed as relieving an interactive gaming certificate holder or interactive gaming operator from meeting any obligation to prepare or maintain any book, record or document required by any other Federal, State or local governmental body, authority or agency.

§ 811a.9. Required reports; reconciliation.

(a) An interactive gaming system shall be designed to generate reports as specified by the Board that must include, at a minimum, all of the following:

(1) The report title.

(2) The version number of the current system software and report definition.

(3) The date or time period of activity, or description as of a point in time.

(4) The date and time the report was generated.

(5) Page numbering, indicating the current page and total number of pages.

(6) Subtotals and grand totals as required by the Department.

(7) A description of any filters applied to the data presented in the document.

(8) Column and row titles, if applicable.

(9) The name of the interactive gaming certificate-holder or interactive gaming operator.

(10) A reconciliation of all relevant data contained therein, if applicable.

(b) All required reports must be generated by the interactive gaming system, even if the period specified contains no data to be presented. The report generated must indicate all required information and contain an indication of "No Activity" or similar message if no data appears for the period specified.

(c) An interactive gaming system must provide a mechanism to export the data generated for any report to a format approved by the Board.

(d) An interactive gaming system must generate all of the following daily reports, at a minimum, for each gaming day to calculate the taxable revenue:

(1) A Player Account Summary Report, which must include transaction information for each player account and test account for all of the following categories:

(i) Beginning balance.

(ii) Total amount of deposits.

(iii) Total amount of noncashable bonuses deposited.

(iv) Total amount of noncashable bonuses wagered by game type (sports, slots and tables).

(v) Total amount of noncashable bonuses expired.

(vi) Total amount of transfers to games by game type (sports, slots and tables).

(vii) Total amount of transfers from games by game type (sports, slots and tables).

(viii) Total amount of withdrawals.

(ix) Total amount of funds on game at the beginning of the gaming day (the amount of pending wagers at the end of the prior gaming day).

(x) Total amount of funds on game at the end of the gaming day (the amount of pending wagers plus funds transferred to a game but not yet wagered).

(xi) Win or loss, calculated as the ending funds on games less the beginning funds on game.

(xii) Ending balance.

(xiii) Any other information that may be required by the Board.

(2) A Wagering Summary Report, which must include all of the following by authorized game and poker variation, as applicable:

(i) Total amounts wagered.

(ii) Total amounts won.

(iii) Total tournament entry or participation fees.

(iv) Rake or vigorish.

(v) Total amounts of guaranteed funds paid to players.

(vi) Total amounts due to or from an interactive gaming network.

(vii) Win or loss calculated as the net of the total amounts wagered and total amounts won plus tournament entry fees, rake or vigorish, guaranteed funds and amounts due to or from an interactive gaming network.

(viii) Any other information that may be required by the Board.

(3) A noncashable Promotional Account Balance Report, which must include the ending noncashable promotional balance in each player account.

(e) An interactive gaming network must generate the following daily reports for each participating interactive gaming certificate holder or interactive gaming operator, at a minimum, for each gaming day to reconcile the daily gross interactive gaming revenue:

(1) A System Player Account Summary Report, which must include all of the following transaction information for each player account:

(i) Player identification number.

(ii) Total amount of transfers to games.

(iii) Total amount of transfers from games.

(iv) Win or loss statistics.

(v) Total amount of rake.

(vi) Total amount of entry fees.

(2) A System Wagering Summary Report, which must include all of the following game activity by authorized game or poker variation:

(i) Total amounts wagered.

(ii) Total amounts won.

(iii) Total tournament entry or participation fees.

(iv) Rake or vigorish.

(v) Total amounts of guaranteed funds paid to players.

(vi) Win or loss statistics, calculated as the net of the total amounts wagered and total amounts won plus tournament entry fees, rake or vigorish, and guaranteed funds.

(f) An interactive gaming certificate holder or interactive gaming operator must utilize the Wagering Summary Report to calculate interactive gross gaming revenue on a daily basis for reporting purposes. In addition, the certificate holder or operator shall do all of the following:

(1) Prepare a Variance Report documenting the win/loss amounts from the Player Account Report and Wagering Summary Report.

(2) Calculate the variance between the two amounts.

(3) Document the reason for the variance.

(4) Report a manual adjustment to increase revenue by the amount of the variance whenever the total of the Player Account Summary Report is greater than the total of the Wagering Summary Report, unless the reason for the variance as documented above is sufficient to support a determination that revenue was properly reported.

(g) Instead of subsection (f), an interactive gaming certificate holder or interactive gaming operator may accumulate the daily Variance Report information on a monthly Variance Report in a manner described in the interactive gaming certificate holder's or interactive gaming operator's internal controls.

(h) An interactive gaming system must generate, on a daily basis commencing 2 years after the creation of the first interactive gaming account, a Dormant Account Report, which must list all player accounts including the Pending Wager Account Report that have not had activity for 2 years. The report must include all of the following:

(1) The player name and account number.

(2) The date of the last transaction.

(3) The account balance.

(i) Voids of completed wagering transactions may not occur without Board approval.

(j) An interactive gaming system must generate a Performance Report, which compares the theoretical return to player (RTP) to the actual RTP of each game offered by a gaming system. The report must also provide the total number of rounds of play for each game and shall be generated and reviewed monthly by the interactive gaming certificate holder or interactive gaming operator to evaluate the performance of all games offered to the public. The Performance Report must include the data required by this subsection from the first day interactive gaming was offered to the date of the report.

(k) An interactive gaming system must generate a Player Account Adjustments Report, which shall be reviewed on a daily basis by either the interactive gaming certificate holder or interactive gaming operator to evaluate the legitimacy of player account adjustments. If the daily review is performed by the interactive gaming operator, the interactive gaming certificate holder or interactive gaming operator shall conduct a weekly review of the Player Account Adjustment Reports. Unless otherwise authorized by the Board, the report must, at a minimum, include all of the following:

(1) The player's name.

(2) An account number.

(3) The date and time of the adjustment.

(4) The person who performed the adjustment.

(5) The reason for the adjustment.

(6) The amount of the adjustment.

(l) An interactive gaming system must generate a report on a weekly basis identifying potential compulsive and problem gamblers, including those players who self-report. The interactive gaming certificate holder or interactive gaming operator shall review the report and document any action taken.

(m) An interactive gaming system must be capable of generating a Pending Transaction Account Report, which must include and separately itemize all pending transactions for each player account, including funds on game and deposits and withdrawals not yet cleared.

(n) An interactive gaming certificate holder or interactive gaming operator shall develop internal controls for performing a daily reconciliation of gross interactive gaming revenue, including a daily reconciliation of the Player Account Summary Report to the Wagering Summary Report, a reconciliation of the Wagering Summary Report to each remote game server, a reconciliation of sports wagering system reports to the wagering Summary Report, and at least a quarterly calculation of the balance required to be maintained pursuant to § 811a.5 (relating to segregation of bank accounts and reserve requirements).

(i) Each report shall be accurate to reconcile and balance on a daily basis.

(ii) Variances shall be investigated and reported to the Board, which must include the amount, cause and remediation plan for corrective action.

CHAPTER 812a. INTERACTIVE GAMING PLAYER ACCOUNTS

Sec.	
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§ 812a.1. Definitions.

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

Electronic identifier—A unique identifier, such as a username or account number, other than personal identifying information (for example, a Social Security number), used to identify a player.

Player session—A player session consists of all activities and communications performed by an authorized registered player and the interactive gaming system between the time the registered player logs in to the interactive gaming system and the time the registered player logs out or is logged out of the interactive gaming system.

Strong authentication—A method that is intrinsically stringent enough to ensure the security of the system it protects by withstanding any attacks it is likely to encounter by combining at least two mutually-independent factors so that the compromise of one method should not lead to the compromise of the second and includes one nonreusable element, which cannot easily be reproduced or stolen from the Internet, to verify the identity of a registered player.

§ 812a.2. Player account registration.

(a) Prior to engaging in interactive gaming, a player shall establish an interactive gaming account.

(b) To establish an interactive gaming account, the player shall provide all of the following information:

(1) The player's legal name.

(2) The player's date of birth.

(3) The entire or last four digits of the player's Social Security number, if voluntarily provided, or equivalent for a foreign player such as a passport or taxpayer identification number.

(4) The player's address.

(5) The player's e-mail address.

(6) The player's telephone number.

(7) Any other information collected from the player to verify his identity.

(c) An interactive gaming certificate holder or interactive gaming operator shall create and maintain an electronic player file containing the information the player submitted to establish the player account.

(d) The electronic player file created by an interactive gaming certificate holder or interactive gaming operator must encrypt the information in an electronic player file.

(i) As part of the annual security audit required under § 809a.6(d)(3), the independent third party shall verify that the information included contained in the electronic player files maintained by the interactive gaming certificate holder or interactive gaming operator is properly encrypted.

(e) The interactive gaming certificate holder or interactive gaming operator shall verify the player's identity and record the document number of the government-issued credential examined, or other methodology for remote, multisourced authentication, which may include third-party and governmental databases, as approved by the Board.

(f) The interactive gaming certificate holder or interactive gaming operator shall verify that the player is of the legal age of 21 years of age, not self-excluded or otherwise prohibited from participation in interactive gaming.

(g) The interactive gaming certificate holder or interactive gaming operator shall require the player to affirm that the information provided to the interactive gaming certificate holder is accurate.

(h) The interactive gaming certificate holder or interactive gaming operator shall record the player's acceptance of the interactive gaming certificate holder's terms and conditions to participate in interactive gaming.

(i) The interactive gaming certificate holder or interactive gaming operator shall record the player's acknowledgement that the legal age for interactive gaming is 21 years of age and that he is prohibited from allowing any other person to access or use his interactive gaming account.

(j) The interactive gaming certificate holder or interactive gaming operator shall record the player's acknowledgement that any violations of the interactive gaming regulations are subject to the penalties provided in the act and may result in criminal prosecution under 18 Pa.C.S. (relating to Crimes Code).

(k) The interactive gaming certificate holder or interactive gaming operator shall require the player to establish

a password or other access security feature as approved by the Board and advise the player of the ability to utilize strong authentication login protection.

(1) The interactive gaming certificate holder or interactive gaming operator shall notify the player of the establishment of the account by e-mail or first class mail.

§ 812a.3. Account security.

(a) An interactive gaming system must utilize sufficient security to ensure player access is appropriately limited to the registered account holder. Unless otherwise authorized by the Board, security measures must include, at a minimum, all of the following:

- (1) A username.
- (2) A password of sufficient length and complexity to ensure its effectiveness.
- (3) Upon account creation, the option for users to choose strong authentication login protection.
- (4) When a player logs into his registered interactive gaming account, the system must display the date and time of the player's previous log on.
- (5) An option to permit a player to elect to receive an electronic notification to the player's registered e-mail address, cellular phone or other device each time an interactive gaming account is accessed.

(6) The interactive gaming system must require a player to re-enter his username and password after 15 minutes of user inactivity.

(b) An interactive gaming certificate holder or interactive gaming operator may not permit the creation of anonymous interactive gaming accounts or accounts using fictitious names. A registered player may, while engaged in interactive gaming, represent himself using a screen name other than his actual name.

(c) An interactive gaming system must provide an account statement with account details to a player on demand, either displayed on the interactive gaming web site or mobile app or available for immediate download, which must include information as required under this chapter.

(d) An interactive gaming system must utilize sufficient security to ensure third-party access to player accounts is limited as follows:

- (1) Network shared drives containing application files and data for interactive gaming system must be secured so that only authorized personnel may gain access.
- (2) Login accounts and passwords required to administer network and other equipment are secured so that only authorized Information Technology (IT) personnel from the interactive gaming certificate holder or interactive gaming operator may gain access to these devices.
- (3) Remote access by vendor personnel to any component of the interactive gaming system is allowed for purposes of support or updates and is enabled only when approved by authorized IT personnel employed by the technology provider.

(e) Interactive gaming certificate holders and interactive gaming operators may utilize third-party vendors to verify player information so long as those vendors are licensed by the Board when required and the agreements related to the provided services is submitted to the Board.

§ 812a.4. Single account requirement.

(a) A player shall have only one interactive gaming account for each interactive gaming certificate holder or

interactive gaming operator. Each interactive gaming account must be nontransferable, unique to the player who establishes the account, and distinct from any other account number that the player may have established with the interactive gaming certificate holder or interactive gaming operator for noninteractive gaming activity.

(b) Each registered player account shall be treated independently and players may not be permitted to transfer funds between accounts held with different interactive gaming certificate holders or interactive gaming operators. Registered players are prohibited from transferring funds to an account held by another player.

(c) To ensure compliance with this subpart, interactive gaming certificate holders and interactive gaming operators shall:

- (1) Record and maintain the physical location of the registered player while logged in to the interactive gaming account.
- (2) Ensure that a registered player does not occupy more than one position at a game at any given time unless otherwise approved by the Board to permit a registered player to occupy more than one position at a game at any given time.

§ 812a.5. Account terms and conditions disclosures.

(a) During the registration process the player shall agree to the terms and conditions which govern the relationship between the interactive gaming certificate holder or interactive gaming operator and the player. The terms and conditions must include a privacy policy which governs the protection and use of the player's data.

(b) The terms and conditions provided to players by interactive gaming certificate holders and interactive gaming operators shall be submitted to the Bureau of Gaming Operations for review. The terms and conditions must contain, at minimum, all of the following:

- (1) The name and address of the interactive gaming certificate holder or interactive gaming operator.
- (2) A statement that the interactive gaming certificate holder or interactive gaming operator is licensed and regulated by the Board for the purposes of operating and offering interactive gaming services in this Commonwealth.
- (3) A requirement that the player acknowledges that he has read the terms and conditions and agrees to be bound by them.
- (4) A requirement that the player will comply with all applicable laws, statutes and regulations.
- (5) A statement that no individual under 21 years of age may participate in interactive gaming and that it is a criminal offense to allow a person who is not legally of age to participate in interactive gaming in this Commonwealth.
- (6) A statement that the player consents to verification of registration information including name, address, date of birth, Social Security number, passport identification (for non-United States residents) and any other identification information required to confirm age and identity.

(7) A statement that the player consents to verification of his location for the duration of play of interactive games.

(8) A statement that players have the right to set responsible gaming limits and to self-exclude from interactive gaming.

(9) A dispute resolution policy including notifying players of their right to file a complaint with the Board.

(10) A player disconnection policy.

(11) Any other information that may be required by the Board.

§ 812a.6. Self-exclusion list.

(a) All interactive gaming certificate holders and interactive gaming operators shall have a link on its interactive gaming web site to the self-exclusion page of the Board web site.

(b) Any player seeking to self-exclude from interactive gaming shall follow the procedures in the Board's regulations.

§ 812a.7. Player funding of accounts.

(a) A player's interactive gaming account may be funded through the use of all of the following:

(1) Cash deposits made directly with the interactive gaming certificate holder or interactive gaming operator.

(2) Personal checks, cashier's checks, wire transfer and money order deposits made directly or mailed to the interactive gaming certificate holder or interactive gaming operator.

(3) A player's credit card or debit card, including prepaid cards.

(4) A player's deposit of cash, gaming vouchers or gaming chips at a cashiering location approved by the Board.

(5) A player's reloadable prepaid card, which has been verified as being issued to the player and is nontransferable.

(6) Cash complimentaries, promotional credits or bonus credits.

(7) Winnings.

(8) Automated clearing house (ACH) transfer, provided that the interactive gaming certificate holder or interactive gaming operator has security measures and controls to prevent ACH fraud. A failed ACH deposit attempt may not be considered fraudulent if the player has successfully deposited funds through an ACH transfer on a previous occasion with no outstanding chargebacks. If the interactive gaming certificate holder or interactive gaming operator suspects fraud after multiple failed ACH deposit attempts, the interactive gaming certificate holder or interactive gaming operator may temporarily freeze or suspend the player's account to investigate and, if the interactive gaming certificate holder or interactive gaming operator determines that fraud has occurred, suspend the player's account.

(9) Adjustments made by the interactive gaming certificate holder or interactive gaming operator following the resolution of disputes provided there is documented notification to the player.

(10) Any other means as approved by the Board.

(b) An interactive gaming certificate holder or interactive gaming operator shall neither extend credit to a player nor allow the deposit of funds into an interactive gaming account that are derived from the extension of credit by affiliates or agents of the interactive gaming certificate holder or interactive gaming operator.

(c) A player's interactive gaming account may not have a negative account balance as a result of the placement of any wager in the interactive gaming system.

(d) Player account balances must be updated after each game cycle to ensure that sufficient funds are available for any future real money games the player may choose to play.

(e) Interactive gaming certificate holders or interactive gaming operators shall not accept or facilitate a wager:

(1) On any interactive game not approved by the Board for play in this Commonwealth.

(2) On any interactive game which the certificate holder or operator knows or reasonably should know is not between individuals.

(3) On any interactive game which the certificate holder or operator knows or reasonably should know is made by a person who has elected to temporarily suspend his or her interactive gaming account and the period of temporary suspension has not expired.

(4) On any interactive game which the certificate holder or operator knows or reasonably should know is made by a person on the interactive gaming self-exclusion list or the Board's involuntary exclusion list as it pertains to interactive gaming.

(5) From a person who the interactive gaming certificate holder or interactive gaming operator knows or reasonably should know is placing the wager in violation of State or Federal law.

(6) From any licensed individual who is not permitted to participate in interactive gaming by virtue of his position with an interactive gaming certificate holder, interactive gaming operator or other affiliated entity.

(f) All adjustments to interactive gaming accounts for amounts of \$500 or under shall be periodically reviewed by supervisory personnel as set forth in the interactive gaming certificate holder's or interactive gaming operator's internal controls. All other adjustments shall be authorized by supervisory personnel prior to being entered.

§ 812a.8. Player loyalty programs.

If player loyalty programs are supported by an interactive gaming system, all of the following must apply:

(1) Redemption of registered player loyalty points earned must be by a secure transaction that automatically debits the points balance for the value of the prize redeemed.

(2) All registered player loyalty database transactions are to be recorded by the interactive gaming system. If the player loyalty program is provided by an external service provider, the interactive gaming system must be capable of securely communicating with that service.

(3) The interactive gaming system must make readily accessible to the registered player all terms and conditions governing each available promotional or bonus feature.

(4) The terms and conditions must be clear and unambiguous, especially when bonuses or promotions are limited to certain tables or nontournament play, or when other specific conditions apply.

§ 812a.9. Player account controls.

(a) A player session is started when a player logs in to the interactive gaming system.

(1) A player must be provided with the electronic identifier created by the interactive gaming certificate holder or interactive gaming operator, if applicable, and a password to start a session.

(2) The interactive gaming system must allow players to change their passwords.

(3) When a player has forgotten his password or PIN, the interactive gaming system must provide a secure process for the reauthentication of the player and the retrieval or resetting, or both, of the password or PIN. Processes for dealing with lost player user IDs or passwords must be clearly described to the player.

(4) When a player logs in to the interactive gaming system, the date and time of his prior player session must be displayed.

(5) Each player session must have a unique identifier assigned by the interactive gaming system which distinguishes the current session from previous and future sessions.

(b) During a peer-to-peer game, the software must permit a player to set an away from computer status (that is, self-imposed session inactivity). This functionality must be fully described in the help screens or applicable terms and conditions.

(1) The away from computer status must disallow all play and also cause the player's turn to be automatically skipped during any round of play which takes place while this status is active.

(2) If a player sets an away from computer status during the middle of a round of play, he automatically forfeits play for that round (for example, for a round of poker, the software must automatically fold the player's hand during the next round of betting).

(3) If a player performs any game action within the game window while in an away from computer status, the status must be removed and the player will be enrolled into the next round of play. Nongame sensitive actions, such as accessing the help menu from the game window do not require this status to be removed.

(4) If action has not been taken by the player within the time period specified in the help screens or the terms and conditions, or both, the player must be automatically placed into the away from computer status.

(5) If a player has been in the away from computer status for over 30 minutes, the player must be automatically logged out of the game or player account, or both.

(c) Interactive gaming systems must employ a mechanism that detects session inactivity and terminates a player session when applicable.

(1) If the interactive gaming system fails to receive a response from the interactive gaming device within 30 minutes, whether the player has been in away from computer mode or not, the interactive gaming system must implement a user inactivity timeout and terminate the player session.

(2) If a player session is terminated due to player inactivity timeout, the interactive gaming device must display to the player the player session termination (that is, the user inactivity timeout) upon the player's next attempted action on the interactive gaming system.

(3) Further game play is not permitted until the interactive gaming system and the interactive gaming device establish a new session.

(d) A player session ends when:

(1) The player notifies the interactive gaming system that the session is finished (for example, logs out).

(2) A session inactivity timeout is reached.

(3) The interactive gaming system terminates the session.

(i) When the interactive gaming system terminates a player session, a record must be written to an audit file that includes the termination reason.

(ii) The interactive gaming system must attempt to send a session finished message to the interactive gaming device each time a session is terminated by the interactive gaming system.

(e) The Board's Responsible Gaming logo linking to a responsible gaming page shall be placed at the top of the interactive gaming web site. The responsible gaming page must contain, at a minimum, all of the following:

(1) Information about potential risks associated with gambling and where to get help for a gambling problem.

(2) A list of the responsible gaming measures that can be invoked by the player, such as player session time limits and bet limits, and an option to enable the player to invoke those measures.

(3) Mechanisms which detect unauthorized use of the player's account, such as observing the Last Log in Time Display, the IP address of the last login and reviewing financial account information.

(4) A link to the terms and conditions that the player agreed to be bound to by entering and playing on the site.

(5) A link to the applicable privacy policy.

(6) A link to Board's web site.

(f) All links to player protection services (for example, self-exclusion and other player-imposed limits) provided by third parties are to be tested by the interactive gaming certificate holder or interactive gaming operator periodically as required by the Board. Game play may not occur when links used to supply information on player protection services are not displayed or are not operational. When the link to player protection services is no longer available, the interactive gaming certificate holder or interactive gaming operator shall provide an alternative support service.

(g) Players must be provided with a clear mechanism to impose self-limitations for gaming parameters including deposits, wagers, losses and player session durations as required by the Board. The self-limitation mechanism must provide all of the following functionality:

(1) Any decrease to self-limitations for gaming must be effective no later than the player's next login. Any increase to these limits must become effective only after the time-period of the previous limit has expired and the player reaffirms the requested increase.

(i) For example, a player sets a \$1,000 monthly deposit limit on the 1st day of the month. The player may not increase this limit to more than \$1,000 until the 1st day of the following month. The same player may decrease the limit to less than \$1,000 at any point, and shall be effective at the player's next login.

(2) A deposit limit as determined by the player must be offered on a daily, weekly and monthly basis, and must specify the maximum amount of money a player may deposit into his interactive gaming account during the designated period of time.

(3) A spend limit as determined by the player must be offered on a daily, weekly and monthly basis, and must specify the maximum amount of player deposits that may be put at risk during a designated period of time.

(4) A single wager limit as determined by the player must be offered and must specify the maximum amount of any single wager a player may put at risk in a single wager in an interactive game.

(i) This single wager limit is not applicable for peer-to-peer poker games offered by interactive gaming certificate holders or operators.

(ii) Notwithstanding the provisions of paragraph (1), a requested increase in the player's single wager limit (that is, from \$50 to \$100) shall not take effect for 24 hours after the request is made.

(5) A time-based limit as determined by the player must be offered on a daily basis and must specify the maximum amount of time that a player may spend playing on an interactive gaming system, provided that if the time-based limit is reached a player will be permitted to complete any round of play, or active or prepaid tournament.

(6) A table limit as determined by the player must be offered and must specify the maximum amount a registered player may bring to a peer-to-peer interactive gaming table.

(7) The self-limitations set by a player may not override any system imposed limitations or contradict information within the game rules.

(h) The interactive gaming system must be capable of applying system-imposed limits as required by the terms and conditions agreed to by the player upon registration and as required by the Board. System-imposed limits must adhere to all of the following:

(1) Players must be notified in advance of any system-imposed limits and their effective dates.

(2) Once updated, system-imposed limits must be consistent with what is disclosed to the player.

(3) Upon receiving any system-limitation request, the interactive gaming system must ensure that all specified limits are correctly implemented immediately or at a specified time (that is, next login, next day, and the like) that was clearly indicated to the player.

(4) In cases when system-imposed limitation values (for example, deposit, wager, loss and player session duration) are greater than self-imposed player limit values, the system-imposed limitations must take priority.

(i) Players must be provided with an easy and obvious mechanism to temporarily suspend his or her interactive gaming account. The temporary suspension mechanism must provide all of the following functionality:

(1) The player must be provided with the option to temporarily suspended his or her interactive gaming account for a specified period of time as defined in the terms and conditions, or indefinitely.

(2) In the case of temporary suspension, the interactive gaming system must ensure that:

(i) Immediately upon processing the temporary suspension, new bets or deposits are not accepted from that player until the temporary suspension has expired.

(ii) During the temporary suspension period, the player is not prevented from withdrawing any or all of his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.

(iii) In the case of indefinite temporary suspension, the interactive gaming system must ensure that:

(A) The player is paid in full for his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.

(B) All player accounts must be closed or deactivated.

(j) The interactive gaming system must provide a clear mechanism to advise the player of the right to make a complaint against the interactive gaming certificate holder, interactive gaming operator or another player (that is, when collusion is suspected or when a player is disruptive or abusive).

§ 812a.10. Player withdrawals.

(a) An interactive gaming certificate holder or interactive gaming operator shall establish protocols for players to withdraw funds, whether an interactive gaming account is open or closed.

(b) An interactive gaming certificate holder or interactive gaming operator shall prevent unauthorized withdrawals from an interactive gaming account.

(c) Funds may be withdrawn from a player's interactive gaming account for all of the following:

(1) The funding of game play.

(2) A cash-out at the cashier's cage upon player's request.

(3) A cash-out through the issuance of a check from the interactive gaming certificate holder or interactive gaming operator.

(4) A cash-out transfer to a player's reloadable prepaid cash card, which has been verified as being issued to the player and is nontransferable.

(5) Adjustments made by the interactive gaming certificate holder or interactive gaming operator following the resolution of disputes provided there is documented notification to the player.

(6) Cash-out transfers directly to the player's individual account with a bank or other financial institution (banking account) provided that the interactive gaming certificate holder or interactive gaming operator verifies the validity of the account with the financial institution.

(7) Any other means approved by the Board.

(d) An interactive gaming certificate holder or interactive gaming operator may not permit a player to transfer funds to another player.

§ 812a.11. Player account statements.

(a) At the request of a player, interactive gaming systems must provide an interactive gaming account statement which must include detailed account activity for at least the 6 months preceding the request. In addition, an interactive gaming system must, upon request, be capable of providing a summary statement of all player activity during the past year. Information to be provided on the summary statement must include, at a minimum, all of the following:

(1) Deposits to the interactive gaming account.

(2) Withdrawals from the interactive gaming account.

(3) Win or loss statistics.

(4) Beginning and ending account balances.

(5) Self-imposed responsible gaming limit history, if applicable.

(b) Account statements must be either displayed on the interactive gaming web site or mobile app or available for

immediate download, or if requested by the player, sent to the player's registered address (e-mail or first class) for the time period specified.

§ 812a.12. Suspended accounts.

(a) Interactive gaming systems must employ a mechanism to place an interactive gaming account in a suspended mode:

(1) When requested by the player for a specified period of time, which may not be less than 72 hours.

(2) When required by the Board.

(3) When initiated by an interactive gaming certificate holder or interactive gaming operator that has evidence to indicate any of the following:

(i) Illegal activity.

(ii) A negative player account balance.

(iii) A violation of the terms of service has taken place on an authorized registered player's interactive gaming account.

(b) When an interactive gaming account is in a suspended mode, the interactive gaming certificate holder or interactive gaming operator may not remove funds from the account without prior approval from the Board. In addition, the interactive gaming system must do all of the following:

(1) Prevent the player from engaging in interactive gaming.

(2) Prevent the player from depositing funds.

(3) Prevent the player from withdrawing funds from his interactive gaming account, unless the suspended mode was initiated by the player.

(4) Prevent the player from making changes to his interactive gaming account.

(5) Prevent the removal of the interactive gaming account from the interactive gaming system.

(6) Prominently display to the authorized player that the account is in a suspended mode, the restrictions placed on the account and any further course of action needed to remove the suspended mode.

(c) An interactive gaming certificate holder or interactive gaming operator shall notify the player by mail (first class or e-mail) whenever his interactive gaming account has been closed or placed in a suspended mode. The notification must include the restrictions placed on the account and any further course of action needed to remove the restriction.

(d) A suspended account may be restored:

(1) Upon expiration of the time period established by the player.

(2) When permission is granted by the Board.

(3) When the interactive gaming certificate holder or interactive gaming operator has lifted the suspended status.

§ 812a.13. Dormant accounts.

(a) An interactive gaming account will be deemed dormant if there is no activity (logins, game play, withdrawals, contacts with customer service) for 2 years.

(b) Interactive gaming certificate holders and interactive gaming operators shall provide notification to the

player at the player's registered address (physical or electronic) if the player's interactive gaming account remains dormant for 1 year.

(c) Funds remaining on deposit in an interactive gaming account which is dormant and for which the player has not requested payment must be abandoned 60 days after the notice in subsection (b) is provided. Interactive gaming certificate holders and interactive gaming operators shall report abandoned funds from dormant accounts in accordance with rules and regulations on abandoned and unclaimed property set forth by the Pennsylvania Treasury, Bureau of Abandoned and Unclaimed Property.

§ 812a.14. Use of player data.

(a) An interactive gaming certificate holder, interactive gaming operator, or an employee or other person engaged in duties related to the conduct of interactive gaming may not disclose information about the name of a player, or other identifying information.

(b) Interactive gaming certificate holders or interactive gaming operators with employees who have direct contact with players by phone, e-mail, electronic chat or other means shall implement training for those employees, at the start of their employment and at regular intervals thereafter, addressing recognition of the nature and symptoms of problem gambling behavior and how to assist players in obtaining information regarding help for a gambling problem and self-exclusion program.

CHAPTER 813a. INTERACTIVE GAMING ADVERTISEMENTS, PROMOTIONS AND TOURNAMENTS

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813a.1.	Definitions.
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813a.4.	Interactive gaming tournaments.
813a.5.	Record retention and reports.

§ 813a.1. Definitions.

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

Celebrity player—A well-known or professional interactive gaming player who is under agreement with an interactive gaming certificate holder or interactive gaming operator whereby the interactive gaming certificate holder or interactive gaming operator pays the celebrity player a fixed sum to engage in interactive gaming with the certificate holder's or operator's players as an advertising or promotional enticement to its customers.

Promotion—An event conducted by an interactive gaming certificate holder or an interactive gaming operator that provides or offers registered or prospective players cash, credits, merchandise, coupons, players club credits, or points, bonuses or anything else of value to entice the player to wager with the interactive gaming certificate holder or interactive gaming operator.

Restricted interactive gaming credit—Interactive gaming funds that cannot be cashed out by the player until the wagering requirements or other restrictions associated with those funds are met in accordance with disclosed terms and conditions.

§ 813a.2. Advertising.

(a) Interactive gaming certificate holders and interactive gaming operators shall comply with § 501a.7 (relating to advertising).

(b) All interactive gaming advertisements exclusively directed to residents of this Commonwealth shall be co-branded, clearly and prominently displaying the name or logo, or both of the interactive gaming certificate holder and interactive gaming operator in equal size and quality, including but not limited to:

(i) Television or radio advertisements relating to the availability of interactive gaming or sports wagering in this Commonwealth.

(ii) Direct mail pieces, e-mails, or text messages sent to residents of this Commonwealth.

(iii) Billboards located in this Commonwealth.

(iv) Newspaper, magazine and other print publications that are based in this Commonwealth, including online editions of these publications.

(c) Advertising utilized by interactive gaming certificate holders and interactive gaming operators may not:

(1) Consist of indecent or offensive graphics or audio, or both.

(2) Obscure the game play area or obstruct a game in progress.

(3) Contain content that contradicts the game rules or terms and conditions.

(4) Specifically target players which have been excluded from play.

(d) Interactive gaming certificate holders and interactive gaming operators may utilize celebrity or other players to participate in peer-to-peer games for advertising or publicity purposes provided:

(1) The interactive gaming certificate holder or an interactive gaming operator clearly identifies the celebrity player to the players.

(2) The interactive gaming certificate holder or an interactive gaming operator does not realize a profit beyond the rake for hosting the celebrity player.

(3) The interactive gaming certificate holder or an interactive gaming operator shall include winnings by the celebrity player in its gross gaming revenue if the certificate holder or licensee does not permit the celebrity player to retain these funds.

(e) An interactive gaming certificate holder or an interactive gaming operator that contracts with a celebrity player to advertise or promote its services may fund the celebrity player's interactive gaming account in full or in part. The certificate holder or licensee may also pay the celebrity player a one-time or flat fee for his services.

(f) A celebrity player engaged in interactive gaming in this Commonwealth under an agreement with an interactive gaming certificate holder or an interactive gaming operator for advertising or promotional purposes may or may not utilize his own funds to wager.

§ 813a.3. Promotions.

(a) An interactive gaming certificate holder or interactive gaming operator shall notify and provide to the Board, at least 5 days prior to implementing a promotion, terms and conditions of each promotion. The terms and conditions must include, at a minimum, all of the following:

(1) A description of what is being offered as part of the promotion.

(2) The dates and times that the promotion is being conducted.

(3) The persons who are eligible to participate in the promotion.

(4) The required action to receive whatever is being offered as part of the promotion.

(5) The procedure to claim or redeem the promotional offer, if applicable.

(6) Registration procedures.

(7) Limitations on participation.

(8) Wagering requirements and limitations by type of game.

(9) The order in which funds are used for wagering.

(10) Eligible games.

(11) Any restrictions on the withdrawal of funds.

(12) Rules regarding cancellation.

(13) The statement "If you or someone you know has a gambling problem, help is available. Call 1-800-GAMBLER."

(14) Any other information the Board may require.

(b) An interactive gaming certificate holder or an interactive gaming operator shall designate one employee responsible for providing promotions to the Board. The designated employee shall provide a signed attestation with the submitted promotion indicating the employee has reviewed the promotion for compliance with Board regulations. The designated employee shall serve as the point of contact between a certificate holder or a licensee and the Board on all submitted promotions.

(c) An interactive gaming certificate holder or interactive gaming operator shall be responsible for providing the terms and conditions of promotions and the conduct of all promotions offered directly or indirectly by a third-party vendor or marketing affiliate on behalf of the interactive gaming certificate holder or an interactive gaming operator.

(d) The terms and conditions of all promotions communicated to players must be posted on the interactive gaming certificate holder's home webpage as well as any skins the interactive gaming certificate holder operates or an interactive gaming operator operates on behalf of an interactive gaming certificate holder. The terms and conditions must be stated in a clear and conspicuous manner using plain language and be readily accessible and available for review for the duration of the promotion (even after player accepts a promotion).

(e) An interactive gaming certificate holder or interactive gaming operator shall provide a clear and conspicuous method for a player to cancel his participation in a promotion that utilizes restricted interactive gaming credits. Upon request for cancellation, the interactive gaming certificate holder or interactive gaming operator shall inform the player of the amount of unrestricted funds that will be returned upon cancellation and the value of restricted funds that will be removed from the player's interactive gaming account. If the player elects to proceed with cancellation, unrestricted funds remaining in a player's interactive gaming account must be returned in accordance with the terms and conditions.

(f) An interactive gaming certificate holder or interactive gaming operator may not, once a player has met the terms of a promotion, cap or limit winnings earned while participating in the promotion.

(g) An interactive gaming certificate holder or an interactive gaming operator may be required to discontinue, as

expeditiously as possible, the use of a particular promotion upon receipt of written notice from the Board that the Board has determined that the use of the particular promotion in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(h) An interactive gaming certificate holder or interactive gaming operator may not offer or conduct a promotion which violates any Federal, State or local law.

(i) An interactive gaming certificate holder or an interactive gaming operator shall develop and submit to the Board, as part of the submission required as part of the certificate holder's or licensee's internal controls, procedures governing the conduct of all promotions to be offered by an interactive gaming certificate holder or interactive gaming operator.

§ 813a.4. Interactive gaming tournaments.

(a) An organized event that permits a player to purchase or be awarded the opportunity to engage in competitive play against other players (that is, a tournament) may be permitted providing all of the following:

(1) Prior to conducting an interactive gaming tournament, an interactive gaming certificate holder or an interactive gaming operator shall file for approval of the terms and conditions of each interactive gaming tournament type with the Bureau of Gaming Operations as part of the certificate holder's or licensee's internal controls. The terms and conditions shall be followed and include, at a minimum, all of the following:

- (i) Game type (for example, Hold 'Em Poker).
- (ii) Rules concerning tournament play and participation.
- (iii) All conditions registered players shall meet to qualify for entry into, and advancement through, the tournament.
- (iv) Any conditions concerning late arrivals or complete tournament no-shows and how auto-blind posting or initial entry purchase, or both, is handled.
- (v) Funding source amounts comprising the prize pool (for example, buy-ins, re-buys or add-ons).
- (vi) Prize structure on payout.
- (vii) Methodology for determining win.
- (viii) Any other information as the Board may require.

(2) While enabled for tournament play, a game may not accept real money from any source, nor pay out real money in any way, and must utilize tournament specific credits, points or chips which do not have cash value.

(b) The terms and conditions of all interactive gaming tournaments communicated to players shall be posted on the interactive gaming web site and stated in a clear and conspicuous manner using plain language. The terms and conditions of each interactive gaming tournament must be readily accessible and remain available for review by the player until the interactive gaming tournament is complete.

(c) An interactive gaming certificate holder or an interactive gaming operator may be required to discontinue, as expeditiously as possible, an interactive gaming tournament upon receipt of written notice from the Board's Executive Director that the Board's Executive Director has determined that the conduct of an interactive gaming tournament could adversely impact the public or the integrity of gaming.

(d) An interactive gaming certificate holder or an interactive gaming operator shall submit a notice of intent to conduct an interactive gaming tournament at least 5 business days prior to the start of the tournament. The notice shall be submitted electronically to the Bureau of Gaming Operations using the Internal Controls and Table Games Submission Form, which is posted on the Board's web site, and must include all of the following:

- (1) The type of game to be played.
- (2) The dates and times the tournament will be conducted.
- (3) Participation eligibility requirements including all of the following:
 - (i) Who is eligible to participate.
 - (ii) The minimum and maximum number of participants.
 - (iii) Entry fees charged.
- (4) The monetary amount or description of the prizes to be awarded.
- (5) Any other information as the Board may require.

(e) Submission of a proposed schedule may not require the interactive gaming certificate holder or interactive gaming operator to conduct all tournaments in the schedule.

(f) An interactive gaming certificate holder or interactive gaming operator may seek to amend or modify the schedule at any time by filing a written request with the Board's Executive Director.

(g) An interactive gaming certificate holder or interactive gaming operator shall maintain records related to the conduct of interactive gaming tournaments in accordance with § 465a.6(c) (relating to retention, storage and destruction of books, records and documents). These records shall be made available to Board staff and the Department upon request and must include all of the following:

- (1) A full accounting of gross interactive gaming revenue for each tournament including cash received as entry fees and the total of cash or cash equivalents paid out to registered players.
- (2) The names and addresses of all prize winners and the prize each winner was awarded.

§ 813a.5. Record retention and reports.

(a) Unless otherwise approved by the Board, a record of all bonus and promotional wagering offers related to interactive gaming shall be maintained in an electronic file that is readily available to the Board. All bonus and promotional wagering offers must be stated in clear and unambiguous terms and be readily accessible by the registered player.

(b) Unless otherwise exempted by the Board, a gaming system must record all promotional offers (Promotions Log) issued through the system. The log must provide the information necessary to audit compliance with the terms and conditions of current and previous offers.

(c) An interactive gaming system must be able to provide a Promotional Account Summary Report (or similarly named report) on demand for any player loyalty promotions or bonuses, or both, that are redeemable for cash, monetary game play credits or merchandise. The report must contain, at a minimum, all of the following information:

- (1) Beginning balance for promotion type.
- (2) Total amount of awards by promotion type.
- (3) Total amount used by promotion type.
- (4) Total amount expired by promotion type.
- (5) Total adjustment amount by promotion type.
- (6) Ending balance by promotion type.

CHAPTER 814a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

Sec.

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§ 814a.1. General requirements.

(a) Interactive gaming shall only be engaged in by registered players who have established an interactive gaming account for interactive gaming.

(b) The message "IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER," or comparable language approved the Board, must be prominently displayed to a person visiting or logging onto and logging off of the interactive gaming certificate holder or interactive gaming operator's interactive gaming skin.

(c) When a registered player logs on to an interactive gaming system, the system must display the date and time of the registered player's previous log on.

(d) If a registered player has suspended his account, an interactive gaming certificate holder or interactive gaming operator may not send gaming-related electronic or direct postal mail to that player while the account is suspended.

(e) Software utilized for interactive gaming must display all of the following information, in addition to the minimum display standards in this subpart:

(1) The current time in the time zone where the registered player is physically located and the time elapsed while in the current registered player session.

(2) Cause a pop-up notification, at least every hour, to be prominently displayed on the interactive gaming device advising the registered player of the amount of time elapsed since his log on, and the amount of money wagered since his log on.

(3) Offer the registered player the option to select a pop-notification, in 15-minute and 30-minute increments, advising the registered player of the amount of money wagered since his log on.

(4) Offer the option to activate self-imposed limits during the player account registration process.

(f) An interactive gaming certificate holder or interactive gaming operator offering interactive gaming shall have a dedicated licensed employee responsible for notifying the Board upon detecting a person participating in interactive gaming who is required to be excluded under Board regulations or any person who is otherwise prohibited from engaging in interactive gaming. This employee shall be licensed as a key employee.

(g) All terms and conditions for interactive gaming must be included as an appendix to the internal controls or, when specified, as part of the interactive gaming compulsive and problem gambling plan of the interactive

gaming certificate holder or interactive gaming operator addressing all aspects of the operation, including all of the following:

(1) Registered player's right to set responsible gaming limits and to self-exclude.

(2) Registered player's right to suspend his account for any selected period of time.

(3) Information to be displayed on a registered player protection page, which shall be accessible to a registered player during a registered player session. The registered player protection page must contain, at a minimum, all of the following:

(i) A prominent message, which states "If you or someone you know has a gambling problem, help is available. Call 1-800-Gambler" in a size and font as approved the Director of the Office of Compulsive and Problem Gaming (OCPG).

(ii) A direct link to all of the following:

(A) The Council on Compulsive Gambling of Pennsylvania's web site.

(B) The Department of Drug and Alcohol Programs' (or successor agency) gambling addiction participating provider list webpage.

(C) The OCPG webpage.

(iii) All of the following responsible gaming information that shall be approved by the Board's Director of the OCPG:

(A) A clear statement of the interactive gaming certificate holder or interactive gaming operator's policy and commitment to responsible gaming.

(B) Informational documents, which shall be reviewed and updated annually by the interactive gaming certificate holder or interactive gaming operator, regarding all of the following subjects, or a direct link to information regarding all of the following subjects, if available, from an organization based in this Commonwealth or the United States dedicated to helping people with potential gambling disorders and labeled as:

(I) Rules of responsible gambling.

(II) Myths about gambling.

(III) Risks associated with gambling.

(IV) Signs and symptoms of gambling disorders.

(V) The Board's self-exclusion brochure.

(C) Rules governing self-imposed responsible gaming limits, including all of the following:

(I) List of each type of self-imposed limit.

(II) How to enroll in each type of self-imposed limit.

(iv) The following statement: "A person who has enrolled in interactive gaming self-exclusion or has otherwise been excluded from interactive gaming activities, and individuals who are under the age of 21, shall not participate in interactive gaming or interactive gaming activities and will have their winnings forfeited and interactive gaming accounts suspended upon violation." The text and font size of the notices shall be submitted for approval to the Director of the OCPG.

(h) An interactive gaming system must comport with all requirements regarding player accounts in Chapter 812a (relating to interactive gaming player accounts).

§ 814a.2. Responsible gaming self-limits.

An interactive gaming system must be capable of allowing a registered player to establish the following responsible gaming limits. Any decrease to these limits may not be effective later than the registered player's next login. Any increase to these limits must become effective only after the time period of the previous limit has expired and the registered player reaffirms the requested increase:

(1) A deposit limit must be offered on a daily, weekly and monthly basis and must specify the maximum amount of money a registered player may deposit into his interactive gaming account during a particular period of time.

(2) A limit on the amount of money spent within a daily, weekly and monthly basis must be offered. The registered player shall be unable to participate in gaming for the remainder of the time selected if the registered player reaches the loss limit.

(3) A limit on the maximum amount of any single wager on any interactive game.

(4) A time-based limit must be offered on a daily basis and must specify the maximum amount of time, measured hourly from the registered player's login to log off, a registered player may spend engaging in interactive gaming, provided that if the time-based limit is reached a registered player is permitted to complete any round of play, or active or prepaid tournament.

(5) A table limit must be offered and must specify the maximum amount a registered player may bring to a peer-to-peer interactive gaming table.

(6) A temporary suspension of a player's interactive gaming account must be offered for any number of hours or days, as selected by the registered player, which shall not be less than 72 hours.

(7) The interactive gaming certificate holder or interactive gaming operator shall provide a mechanism by which a registered player may change the controls of paragraphs (1)—(6). Notwithstanding any other provision in this section, the registered player may not change gaming controls while an interactive gaming account is suspended. The registered player shall continue to have access to the interactive gaming account and shall be permitted to withdraw funds from the account upon proper application for the funds to the interactive gaming certificate holder or interactive gaming operator.

§ 814a.3. Compulsive and problem gambling plan.

(a) An interactive gaming certificate or interactive gaming operator applicant shall submit a compulsive and problem gambling plan for review at the time of submission of the application that conforms with § 501a.2 (relating to compulsive and problem gambling plan).

(b) In addition to the requirements in § 501a.2, an interactive gaming certificate holder's or interactive gaming operator applicant's compulsive and problem gambling plan must include all of the following:

- (1) The goals of the plan.
- (2) The identification of the individual who will be responsible for the implementation and maintenance of the plan.
- (3) Policies and procedures including all of the following:

(i) The commitment of the interactive gaming certificate holder or interactive gaming operator to train appropriate employees.

(ii) The duties and responsibilities of the employees designated to implement or participate in the plan, including the dedicated employee who is responsible for ensuring the operation and integrity of interactive gaming and reviewing all reports of suspicious behavior.

(iii) The responsibility of registered players with respect to responsible gambling.

(iv) Procedures to identify registered players and employees with suspected or known compulsive and problem gambling behavior.

(v) Procedures for prominently posting the message "IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER," or comparable language approved by the Board, on all interactive gaming sites and displaying the message to a person visiting or logging onto and logging off the interactive gaming certificate holder or interactive gaming operator's interactive gaming skin or interactive gaming web site.

(vi) Procedures on displaying the date and time of the registered player's previous log on each time that registered player logs on to his interactive gaming account.

(vii) Procedures for preventing an underage person or a person on the interactive gaming self-exclusion list from being mailed any advertisement, promotion or other target mailing, including those sent electronically, no later than 5 business days after receiving notice from the Board that the person has been placed on the interactive gaming self-exclusion list.

(viii) A policy and procedures for the display of the time in the time zone where the registered player is physically located and the time elapsed while in the current registered player session and the cause of a pop-up notification, at least every hour, to be prominently displayed on the interactive gaming device advising the registered player of the amount of time elapsed and the money wagered since his log on.

(ix) Procedures for offering registered players the option to select a pop-up notification in 15-minute and 30-minute increments advising the registered player of the amount of money wagered since his log on.

(x) Procedures for reviewing, updating and posting information on the interactive gaming certificate holder or interactive gaming operator's web site regarding gambling addiction treatment services, gamblers anonymous programs, compulsive gambling organizations and informational documents on all of the following:

- (A) Rules of responsible gambling.
- (B) Myths about gambling.
- (C) Risks associated with gambling.
- (D) Signs and symptoms of gambling disorders.
- (E) Randomness of play.

(xi) Procedures for posting links to all of the following organizations' web sites on the interactive gaming certificate holder/operator licensee's web site:

- (A) The Council on Compulsive Gambling of Pennsylvania.
- (B) The National Council on Problem Gambling.

(C) The Department of Drug and Alcohol Programs' (or successor agency) gambling addiction participating provider list.

(D) Gamblers Anonymous of PA.

(E) Gam-Anon of PA.

(F) The Board's Office of Compulsive and Problem Gambling.

(G) A Pennsylvania or United States suicide prevention organization's webpage and telephone number.

(xii) Procedures for responding to registered player requests for information regarding gambling addiction treatment services, gamblers anonymous programs, compulsive gambling organizations, and other informational documents.

(A) The interactive gaming certificate holder or interactive gaming operator shall provide examples of the materials to be used as part of its plan, including the problem gambling helpline number and message, informational documents and other posted material, including all of the following:

- (I) Rules of responsible gambling.
- (II) Myths about gambling.
- (III) Risks associated with gambling.
- (IV) Signs and symptoms of gambling disorders.
- (V) Randomness of play.
- (VI) Self-exclusion brochure.

(4) Policies and procedures on the governing of self-imposed limits and suspension.

(5) An employee training program as required under this chapter, including training materials to be utilized and a plan for annual reinforcement training.

(6) A certification process established by the interactive gaming certificate holder or interactive gaming operator to verify that each employee has completed the training required by the plan.

(7) An estimation of the cost of development, implementation and administration of the plan.

(8) Procedures to prevent underage gambling as required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders).

(9) Procedures to prevent excluded persons from gambling.

(10) Procedures to prevent self-excluded and temporarily suspended persons from gambling.

(11) Procedures to monitor all interactive gaming sites for suspicious activity including those who are:

(i) Engaging in or attempting to engage in, or who are reasonably suspected of, cheating, theft, embezzlement, collusion, money laundering or any other illegal activities.

(ii) Required to be excluded under Board regulations.

(iii) Prohibited by the interactive gaming certificate holder or interactive operator licensee from interactive gaming.

(12) Procedures on the reporting of those who may have or have a known gambling disorder.

(13) Details of outreach programs which the interactive gaming certificate holder or interactive gaming operator

intends to offer to employees and individuals who are not employees of the interactive gaming certificate holder or interactive gaming operator.

(14) The plan for posting the statement "If you or someone you know has a gambling problem, help is available. Call 1-800-GAMBLER" on the interactive gaming certificate holder's or interactive gaming operator's webpage and each skin.

(c) The compulsive and problem gambling plan of an applicant for an interactive gaming certificate or interactive gaming license that has been approved to receive an interactive gaming certificate or interactive gaming license shall be approved by the Director of the Office of Compulsive and Problem Gaming (OCPG). An applicant for an interactive gaming certificate or interactive gaming license who has been approved to receive an interactive gaming certificate or interactive gaming license will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of the OCPG. An interactive gaming certificate holder or interactive gaming operator may not commence operations until the Director of the OCPG approves the plan.

(d) Compliance with the plan approved under this chapter will be a condition of interactive gaming certificate or interactive gaming license renewal.

(e) An interactive gaming certificate holder or interactive gaming operator shall submit any other policies and procedures intended to be used beyond what is required under subsection (d) to prevent and raise awareness of gambling disorders.

(f) An interactive gaming certificate holder or interactive gaming operator shall submit amendments to the compulsive and problem gambling plan to the Director of the OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The interactive gaming certificate holder or interactive gaming operator may implement the amendments on the 30th calendar day following the filing the amendments unless the interactive gaming certificate holder or interactive gaming operator receives a notice under subsection (h) objecting to the amendments.

(g) If during the 30-day review period the Director of the OCPG determines that the amendments may not promote the prevention of compulsive and problem gambling or assist in the proper administration of responsible gaming programs, the Director of the OCPG may, by written notice to the interactive gaming certificate holder or interactive gaming operator, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of the OCPG.

(h) When amendments have been objected to under subsection (g), the interactive gaming certificate holder or interactive gaming operator may submit revised amendments for review in accordance with subsections (f) and (g).

§ 814a.4. Employee training program.

(a) The annual employee training program required under this chapter must include instruction on all of the following:

(1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.

(2) The relationship of gambling disorders to other addictive behavior.

(3) The social and economic consequences of a gambling disorder, including debt, treatment costs, suicide, criminal behavior, unemployment and domestic issues.

(4) Techniques to be used when a gambling disorder is suspected or identified.

(5) Techniques to be used to discuss a gambling disorder with registered players and advise registered players to contact 1-800-GAMBLER to receive information regarding community, public and private treatment services.

(6) Procedures for suspending an interactive gaming account belonging to an underage individual or a person on the interactive gaming self-exclusion list, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.

(7) Procedures for preventing an excluded person or a person on the interactive gaming self-exclusion list from being mailed any advertisement, promotion or other target mailing no later than 5 business days after receiving notice from the Board that the person has been placed on the interactive gaming self-exclusion list.

(8) Procedures for preventing an individual under 21 years of age from receiving any advertisement, promotion or other target mailing.

(9) Procedures to prevent an individual under 21 years of age or a person on the interactive gaming self-exclusion list from having access to or from receiving complimentary services, or other like benefits.

(b) Training and training materials shall be updated annually and include current research and information on responsible and problem gambling.

(c) As part of each employee's orientation, and prior to the start of their job duties, responsible and problem gambling training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs as part of the employee's orientation. If an online training program is utilized, the training shall be created and maintained by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs.

(d) Employees who have received training shall be certified by the interactive gaming certificate holder or interactive gaming operator under this chapter upon completion of the training.

(e) Employees are required to receive periodic reinforcement training at least once every calendar year starting with the year following the year in which the employee was hired. The date of the reinforcement training shall be recorded in each employee's personnel file.

(f) Employees shall report persons with a suspected or identified gambling disorder to a designated employee or other supervisory employee.

(g) The identity of an individual with suspected or known problem gambling behavior must be confidential except as provided under Board regulations regarding interactive gaming self-exclusion list and section 1516(d) of the act (relating to list of persons self-excluded from gaming activities).

(h) An interactive gaming certificate holder or interactive gaming operator may collaborate with a person with specialized knowledge, skill, training and experience in

responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required under this chapter.

(i) Interactive gaming certificate holder or interactive gaming operators may enact policies or procedures, or both, that are more stringent than those listed in these regulations, including stricter rules for those who sign up for a self-exclusion list.

§ 814a.5. Reports.

(a) An interactive gaming certificate holder or interactive gaming operator shall submit to the Director of the Office of Compulsive and Problem Gaming (OCPG) an annual summary of its compulsive and problem gambling program by the last business day of July.

(b) The annual summary must contain, at a minimum, detailed information regarding all of the following:

(1) Employee training, including all of the following:

(i) The dates of new hires and annual reinforcement compulsive gambling training.

(ii) The individual or group who conducted the training.

(iii) The number of employees who completed the new hire compulsive gambling training.

(iv) The number of employees who completed the annual reinforcement compulsive gambling training.

(2) The amount spent on the Compulsive and Problem Gambling Plan for all of the following:

(i) Employee training.

(ii) Outreach including community training and sponsorships.

(3) Additional information including all of the following:

(i) The number of underage individuals who were denied interactive gaming access.

(ii) The number of self-excluded individuals who were denied interactive gaming access.

(iii) A summary of any community outreach conducted by the certificate holder/operator licensee.

§ 814a.6. Web site requirements.

Under section 1509(c) of the act (relating to compulsive and problem gambling program), each interactive gaming certificate holder/operator licensee shall cause the words "IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER" or comparable language approved by the Board, which must include the words "gambling problem" and "call 1-800-GAMBLER" to be prominently displayed to a person visiting or logging onto the interactive gaming certificate holder or interactive gaming operator's interactive gaming skin or interactive gaming web site.

CHAPTER 815a. INTERACTIVE GAMING SELF-EXCLUDED PERSONS

Sec.	
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815a.8.	Disclosures of information related to persons on the self-exclusion list.

§ 815a.1. Scope.

The purpose of this chapter is to provide players with a process to self-exclude from interactive gaming activities in this Commonwealth and detail the process by which individuals may exclude themselves from interactive gaming activity and restore their ability to participate in interactive gaming activity in this Commonwealth.

§ 815a.2. Definitions.

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

Fully executed gaming transaction—An activity involving interactive gaming or interactive or mobile sports wagering occurring in this Commonwealth which results in an individual obtaining any money or thing of value from or being owed any money or thing of value by an interactive gaming certificate holder or interactive gaming operator.

Gaming activity—The play of interactive gaming or interactive or mobile sports wagering including play during contests, tournaments or promotional events.

Gaming related activity—An activity related to interactive gaming or interactive or mobile sports wagering including applying for player club memberships or credit, cashing checks or accepting a complimentary gift, service, promotional item or other thing of value from an interactive gaming certificate holder, interactive gaming operator or an affiliate thereof.

Interactive gaming self-excluded person—A person whose name and identifying information is included, at the person's own request, on the interactive gaming self-exclusion list maintained by the Board.

Interactive gaming self-exclusion list—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be:

- (i) Excluded from engaging in interactive gaming or interactive or mobile sports wagering in this Commonwealth.
- (ii) Prohibited from collecting any winnings or recovering any losses resulting from interactive gaming or interactive or mobile sports wagering activity in this Commonwealth.

OCPG—Office of Compulsive and Program Gambling.

Winnings—Any money or thing of value received from, or owed by, an interactive gaming certificate holder or interactive gaming operator as a result of a fully executed gaming transaction.

§ 815a.3. Requests for interactive gaming self-exclusion.

(a) A person requesting placement on the interactive 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.

(b) A request for interactive 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 interactive 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, 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 interactive 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 interactive gaming activities in this Commonwealth must include a signed release which:

- (1) Acknowledges that the request for interactive gaming self-exclusion has been made voluntarily.
- (2) Certifies that the information provided in the request for interactive gaming self-exclusion is true and accurate.
- (3) Acknowledges that the individual requesting interactive 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 interactive gaming self-exclusion list in accordance with the procedures set forth in § 815a.6 (relating to removal from the interactive gaming self-exclusion list) and that a person requesting a 1-year or 5-year exclusion will remain on the interactive gaming self-exclusion list until the period of exclusion expires.

(5) Acknowledges that if the individual is discovered participating in interactive gaming, that the individual's interactive gaming account will be suspended and the 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 interactive gaming certificate holders or interactive gaming operators 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 an interactive gaming certificate holder or interactive gaming operator to withhold interactive gaming privileges from or restore interactive gaming privileges to an interactive gaming self-excluded person.

(ii) Otherwise permitting or not permitting an interactive gaming self-excluded person to engage in interactive gaming activities in this Commonwealth while on the list of interactive gaming self-excluded persons.

(iii) Confiscation of the individual's winnings.

(f) A person submitting an interactive 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 interactive 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 casino 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.

§ 815a.4. Interactive gaming self-exclusion list.

(a) The Board will maintain the official interactive gaming self-exclusion list and will make all necessary additions or deletions of individuals removed from the list under § 815a.6 (relating to removal from interactive gaming self-exclusion list) within 5 business days of the verification of the information received under § 815a.3 (relating to requests for interactive gaming self-exclusion) and shall make the interactive gaming self-exclusion list available to interactive gaming certificate holders and interactive gaming operators electronically by means of the Board's self-exclusion system.

(b) The information made available to interactive gaming certificate holder and interactive gaming operators by means of the Board's self-exclusion system will include the following information concerning a person who has been added to the interactive 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 interactive 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 § 815a.3.

(c) The information made available to interactive gaming certificate holders and interactive gaming operators by the Board concerning a person whose name has been

removed from the interactive gaming self-exclusion list will include the name and date of birth of the person.

(d) An interactive gaming certificate holder and interactive gaming operator shall maintain a copy of the interactive gaming self-exclusion list and establish procedures to ensure that the copy of the interactive gaming self-exclusion list is updated at least every 2 business days with the information made available by means of the Board's self-exclusion system and that all appropriate employees and agents of the interactive gaming certificate holder or interactive gaming operator 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) Interactive gaming certificate holders or interactive gaming operators, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion from interactive gaming to anyone other than employees and agents of the interactive gaming certificate holder or interactive gaming operator whose duties and functions require access to the information. Notwithstanding the foregoing, an interactive gaming certificate holder or interactive gaming operator may disclose the identity of an interactive 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) An interactive 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 interactive gaming activity for the entire period of time that the person is on the Board's interactive gaming self-exclusion list.

(h) Winnings incurred by an interactive 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 an interactive gaming self-excluded person's interactive gaming account shall be presumed to constitute winnings subject to remittance to the Board.

§ 815a.5. Certificate holder and operator duties.

(a) An interactive gaming certificate holder or interactive gaming operator shall train its employees and establish procedures to do all of the following:

- (1) Refuse wagers from and deny gaming privileges to an interactive gaming self-excluded person.
- (2) Deny gaming related activities and benefits to an interactive gaming self-excluded person.
- (3) Ensure that interactive gaming self-excluded persons do not receive, either from the interactive gaming certificate holder, interactive gaming operator or any agent thereof, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to interactive gaming activities.
- (4) Make available to registered players materials explaining the interactive gaming self-exclusion program.

(b) An interactive gaming certificate holder or interactive gaming operator shall submit a copy of its procedures and training materials established under this subsection to the Director of OCPG for review and approval at least 30 days prior to initiation of interactive gaming activities on interactive gaming sites. The interactive gaming cer-

tificate holder or interactive gaming operator will be notified in writing of any deficiencies in the procedures and training materials and may submit revisions to the procedures and training materials to the Director of the OCPG. An interactive gaming certificate holder or interactive gaming operator may not commence operations until the Director of the OCPG approves the procedures and training.

(c) An interactive gaming certificate holder or interactive gaming operator shall submit amendments to the procedures and training materials required under this subsection to the Director of the OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The interactive gaming certificate holder or interactive gaming operator may implement the amendments on the 30th calendar day following the filing of the amendments unless the interactive gaming certificate holder or interactive gaming operator receives a notice under this subsection objecting to the amendments.

(d) If during the 30-day review period the Director of the OCPG determines that the amendments to the procedures and training materials may not promote the prevention of interactive gaming by self-excluded individuals or assist in the proper administration of the interactive gaming self-exclusion program, the Director of the OCPG may, by written notice to the interactive gaming certificate holder or interactive gaming operator, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of the OCPG.

(e) When the amendments to the procedures and training materials have been objected to under this subsection, the interactive gaming certificate holder or interactive gaming operator may submit revised amendments in accordance with this subsection (c).

(f) The list of interactive gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act.

(g) Under section 1516 of the act (relating to list of persons self-excluded from gaming activities), interactive gaming certificate holders and interactive gaming operators and employees thereof may not be liable for damages in any civil action, which is based on the following:

(1) Failure to withhold gaming privileges from or restore gaming privileges to an interactive gaming self-excluded person.

(2) Permitting or not permitting an interactive gaming self-excluded person to gamble.

(3) Good faith disclosure of the identity of an interactive gaming self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.

(g) An interactive gaming certificate holder or interactive gaming operator shall report the discovery of an interactive gaming self-excluded person that did or attempt to engage in interactive gaming related activities to the Director of the OCPG within 24 hours.

§ 815a.6. Removal from the interactive gaming self-exclusion list.

(a) For individuals who are on the interactive 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 interactive gaming self-exclusion list without further action on his part.

(b) For individuals who have elected to be interactive gaming self-excluded for less than lifetime, the individual may be removed from the interactive 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 interactive 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 interactive gaming self-exclusion list.

(3) The Board has found by a preponderance of the evidence that the person should be removed from the interactive gaming self-exclusion list and issues an order to that effect.

(c) For individuals who selected lifetime interactive gaming self-exclusion under § 815a.3(d)(3) (relating to requests for interactive gaming self-exclusion):

(1) After being on the interactive gaming self-exclusion list for a period of 10 years, the individual may petition the Board to be removed from the interactive 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 interactive 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 interactive gaming self-excluded individual filing the petition for removal from the interactive 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 interactive gaming self-exclusion list, and provide to the individual the contact information for 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 interactive gaming self-exclusion list, which shall notify the individual that he or she shall

remain on the interactive 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 interactive gaming self-exclusion list for a period of five years from the date of denial.

§ 815a.7. Exceptions for individuals on the interactive gaming self-exclusion list.

The prohibition against allowing interactive gaming self-excluded persons to engage in activities related to interactive gaming does not apply to an individual who is on the interactive 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 interactive gaming activities.

§ 815a.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 interactive 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 interactive gaming self-exclusion lists.

CHAPTER 816a. INTERACTIVE GAMING LIVE STUDIO

- Sec. 816a.1. Live studio simulcasting.
- 816a.2. Submission of game rules for approval.

§ 816a.1. Live studio simulcasting.

(a) An interactive gaming certificate holder or interactive gaming operator shall obtain Board approval to simulcast authorized table games.

(b) An interactive gaming certificate holder or interactive gaming operator shall obtain Board approval for the location of its proposed live simulcast studio.

(c) An entity producing, hosting, offering or otherwise providing live studio services shall be licensed by the Board prior to providing live studio services.

(d) An interactive gaming certificate holder or interactive gaming operator seeking to offer live studio simulcasting, as well as the entity producing, hosting, offering or otherwise providing live studio services, shall adhere to § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions), Chapter 611a (relating to table game minimum training standards) and game approval as set forth in this chapter.

(e) Table game simulcasting must utilize a simulcast control server for the purpose of recording all wagering activity and game results. The simulcast control server must do all of the following:

- (1) Provide the player with real time visual access to the live game being played.
- (2) Prevent anyone from accessing the wagering outcome prior to finalizing a wager.

- (3) Record dealer-verified game results before posting.
- (4) Be equipped with a mechanism to void game results, if necessary.

(f) All of the following information, at a minimum, must be readily available on an interactive gaming certificate holder's or interactive gaming operator's skin/web site before a player begins play and at all times during play:

- (1) A visual display of the location of the table.
- (2) The table minimum and maximum wagers.
- (3) The number of decks used, if applicable.
- (4) Dealer actions, if applicable.
- (5) The amount wagered.
- (6) The game outcome.
- (7) Vigorish amount, if applicable.
- (8) Payout odds, when applicable.
- (9) The amount won or lost.

§ 816a.2. Submission of game rules for approval.

(a) Prior to offering a live studio table game authorized under this subpart governing interactive gaming in this Commonwealth, an entity producing, hosting, offering or otherwise providing live studio services shall submit and obtain approval of a Rules Submission which specifies which options the entity producing, hosting, offering or otherwise providing live studio services will use in the conduct of the live studio table game.

(b) The initial Rules Submission for any live studio interactive game and any amendment to the Rules Submission shall be submitted electronically to the Bureau of Gaming Operations using the form specified on the Board's web site at www.gamingcontrolboard.pa.gov.

(c) An entity producing, hosting, offering or otherwise providing live studio services may implement the provisions in a Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th calendar day following the filing of the Rules Submission unless the entity producing, hosting, offering or otherwise providing live studio services receives written notice under subsection (d) tolling the Rules Submission or written notice of disapproval from the Board's Executive Director.

(d) If during the 15-day review period in subsection (c) the Bureau of Gaming Operations determines that a provision in the Rules Submission is inconsistent with the regulations for the conduct of that interactive game, the Bureau of Gaming Operations, by written notice to the entity producing, hosting, offering or otherwise providing live studio services, will:

- (1) Specify the nature of the inconsistency and, when possible, an acceptable alternative procedure.
- (2) Direct that the 15-calendar day review period in subsection (c) be tolled and that the Rules Submission not be implemented until approved under subsection (e).

(e) When a Rules Submission has been tolled under subsection (d), the entity producing, hosting, offering or otherwise providing live studio services may submit a revised Rules Submission within 15 days of receipt of the written notice from the Bureau of Gaming Operations. The entity producing, hosting, offering or otherwise providing live studio services may implement the revised Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th

calendar day following the filing of the revised Rule Submission unless the entity producing, hosting, offering or otherwise providing live studio services receives written notice under subsection (d) tolling the revised Rules Submission or written notice of disapproval from the Board's Executive Director.

(f) The current version of each Rules Submission of an entity producing, hosting, offering or otherwise providing live studio services shall be maintained and made available in electronic form through secure computer access to the internal audit and surveillance departments of the entity producing, hosting, offering or otherwise providing live studio services and the Board's casino compliance representatives and other Board employees. Each page of the Rules Submission must indicate the date on which it was approved by the Board's Executive Director.

(g) An entity producing, hosting, offering or otherwise providing live studio services shall maintain a copy, either in paper or electronic form, of any superseded Rules Submission for a minimum of 5 years.

CHAPTER 817a. INTERACTIVE GAMING COMMENCEMENT OF OPERATIONS

Sec.

- 817a.1. Definitions.
817a.2. Commencement of operations generally.
817a.3. Interactive gaming skins.

§ 817a.1. Definitions.

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

Remote game server or remote game content—Interactive gaming system hardware and software separate from that which comprises the gaming platform which allows access to games or may drive the features common to game offerings, game configurations, random number generators, reporting, and the like. The registered player initially communicates directly with the interactive gaming platform which can be integrated with one or more remote game servers or include remote game content, or both.

§ 817a.2. Commencement of operations generally.

(a) Prior to the commencement of interactive gaming operations, an interactive gaming certificate holder or interactive gaming operator shall submit all of the following:

(1) Documentation verifying the platform and related information to include all of the following:

- (i) Platform version number.
- (ii) A list of all submitted games.
- (iii) Documentation listing the entity that created the submitted games.
- (iv) Certification that the system operates in accordance with Commonwealth law and regulations.
- (v) A list of all critical files within the interactive gaming system.
- (vi) A list of any remote game content providers that will work in conjunction with the submitted platform.

(2) Testing results for the platform as well as all games.

(3) Documentation that provides a detailed overview of the interactive gaming system including system architec-

ture, encryption methods utilized, user roles and permission settings, configuration settings, and logical and physical security.

(4) Documentation that provides an overview of the random number generator which must include a method that allows for extraction of the random number generator values for statistical analysis.

(5) A list of devices that will work in conjunction with the submitted platform.

(6) Details regarding the location and security standards for the primary and secondary equipment as well as data warehouses, data safes and other system related equipment.

(7) Copies of signed contracts between the interactive gaming certificate holder or interactive gaming operator and any third party integrating with the submitted platform.

(8) Documentation demonstrating, to the satisfaction of Board staff, implementation of all accounting and internal controls governing all of the following:

- (i) Age and identity verification procedures.
- (ii) Geolocation compliance.
- (iii) Procedures on establishing and maintaining player accounts.
- (iv) Procedures for ensuring player confidentiality.
- (v) Procedures for ensuring accurate and timely submission of revenue and tax information to the Department.
- (vi) Procedures governing player complaints.
- (vii) Procedures for compiling and maintaining all requisite reports and logs.
- (viii) Procedures regarding player protection, including implementation of compulsive and problem gambling and self-exclusion links on the certificate holder's or operator's web site.

(b) Prior to commencement of operations, the interactive gaming certificate holder's or interactive gaming operator's employees required to be licensed or permitted by the Board shall be appropriately licensed or permitted and trained in the performance of their responsibilities.

(c) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator shall ensure that new and existing employees of the certificate holder and interactive gaming operator are regularly informed about the restrictions on placing wagers by the interactive gaming sites offered by or associated with the interactive certificate holder.

(d) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator shall have successfully completed a test period.

(e) The Board will establish a commencement date upon which interactive gaming may commence in this Commonwealth.

(f) All interactive gaming certificate holders and interactive gaming operators shall commence operations on the date established by the Board unless granted an extension by the Board, upon a showing of good cause by the interactive gaming certificate holder or interactive gaming operator, up to 12 months from that date. Failure to commence interactive gaming operations within the time directed by the Board may result in administrative

sanctions up to and including revocation of the certificate or license to operate interactive gaming in this Commonwealth.

§ 817a.3. Interactive gaming skins.

(a) Under the act, the Board may issue an interactive gaming certificate to slot machine licensees to conduct interactive gaming in this Commonwealth, directly or through an interactive gaming operator acting on behalf of the interactive gaming certificate holder under the terms of an interactive gaming agreement that has been approved by the Board. For purposes of this subpart, “slot machine licensee” includes all Category 1, 2 and 3 slot machine licensees, and eligible qualified gaming entities.

(b) Under the act, the Board may authorize interactive gaming certificate holders or interactive gaming operators operating an interactive gaming system on behalf of an interactive gaming certificate holder to deploy interactive gaming skins or interactive gaming web sites, including through mobile applications, to facilitate the conduct of interactive gaming activities for registered players in this Commonwealth or registered players in any other state or jurisdiction which the Commonwealth has entered into an interactive gaming reciprocal agreement.

(c) Interactive gaming operators are not permitted to offer interactive games in this Commonwealth independent from an interactive gaming certificate holder and the interactive gaming certificate holder’s webpage or the webpage of an entity within the interactive gaming certificate holder’s organizational structure.

(d) Interactive gaming certificate holders and interactive gaming operators acting on behalf of an interactive gaming certificate holder may only offer interactive gaming in this Commonwealth through the interactive gaming certificate holder’s webpage or mobile application or the webpage or mobile application of an entity within the interactive gaming certificate holder’s organizational structure.

(e) Interactive gaming certificate holders and interactive gaming operators operating an interactive gaming system on behalf of an interactive gaming certificate holder shall obtain Board approval of all interactive gaming skins operated on behalf of the interactive gaming certificate holder for purposes of conducting interactive gaming in this Commonwealth.

(f) To ensure compliance with the act, a slot machine licensee or eligible qualified gaming entity shall petition for and obtain its own interactive gaming certificate to operate interactive gaming operations in this Commonwealth.

(g) Nothing in this section is intended to prohibit interactive gaming certificate holders from entering into interactive gaming operation agreements with multiple licensed interactive gaming operators to offer interactive games the Board has authorized the interactive gaming certificate holder to conduct.

(h) Nothing in this section is intended to prohibit interactive gaming operators from entering into interactive gaming operation agreements with multiple interactive gaming certificate holders to offer interactive games the Board has authorized the interactive gaming certificate holder to conduct.

(i) Nothing in this section is intended to prohibit interactive gaming certificate holders or interactive gaming operators operating an interactive gaming system on behalf of an interactive gaming certificate holder from conducting interactive gaming utilizing players registered

in other jurisdictions with which the Commonwealth has entered into a reciprocal agreement permitting interstate interactive gaming.

CHAPTER 830a. MULTIUSE COMPUTING DEVICE GAMING PROVISIONS

Sec.	
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830a.3.	Airport authority or concession operator agreements.
830a.4.	Multiuse computing device gaming petition and standards of review.
830a.5.	Multiuse computing device gaming fees and taxes.
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830a.11.	Commencement of multiuse computing device gaming.

§ 830a.1. Scope.

The purpose of this chapter is to govern the operation of interactive gaming at qualified airports through the use of multiuse computing devices in this Commonwealth. The provisions of 4 Pa.C.S. §§ 1101—1904 (relating to Pennsylvania Race Horse Development and Gaming Act) as amended by the act of October 30, 2017 (P.L. 419, No. 42), and the Board regulations promulgated thereunder shall apply when not in conflict with this chapter.

§ 830a.2. Board authorization required.

(a) Upon petition, the Board may authorize an interactive gaming certificate holder to provide for the conduct of interactive gaming, directly or indirectly through an interactive gaming operator under an interactive gaming agreement, at a qualified airport through the use of multiuse computing devices by eligible passengers in an airport gaming area.

(b) If the interactive gaming certificate holder intends to operate interactive gaming at a qualified airport through the use of multiuse computing devices under an interactive gaming agreement, the interactive gaming operator that is party to the interactive gaming agreement shall have been issued an interactive gaming license or will be issued an interactive gaming license prior to the commencement of operations.

(c) The interactive gaming agreement shall be subject to the review and approval of the Board.

(d) The interactive gaming certificate holder or interactive gaming operator may only offer on the interactive gaming system on the multiuse computing devices the categories of interactive gaming it has been authorized to offer under 4 Pa.C.S. § 13B11(a.2) (relating to authorization to conduct interactive gaming).

§ 830a.3. Airport authority or concession operator agreements.

(a) Prior to petitioning for authorization from the Board an interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder shall have in place an agreement as follows:

(1) For the conduct of interactive gaming at a qualified airport which is located partially in a county of the first class and partially in a county contiguous to a county of the first class, the written agreement shall be with either the airport authority or its designee or a concession operator, except that, if the written agreement is with a concession operator, the airport authority or its designee must have approved or consented to lawful gaming within the airport gaming area through the concession operator’s

concession contract, and the airport authority must have received a copy of the written agreement with the certificate holder or the interactive gaming operator.

(2) For the conduct of interactive gaming at a qualified airport which is not located partially within a county of the first class and partially in a county contiguous to a county of the first class, the written agreement shall be with the airport authority or its designee.

(b) The written agreement shall be subject to the review and approval of the Board.

§ 830a.4. Multiuse computing device gaming petition and standards of review.

(a) An interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder seeking to offer interactive gaming at a qualified airport through the use of multiuse computing devices in this Commonwealth that satisfies the requirements in 4 Pa.C.S. § 13B20 (relating to authorization) may petition the Board for authorization in accordance with this chapter.

(b) The petition filed by an interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder shall comply with the requirements of 4 Pa.C.S. § 13B20(c) and shall be in a form as proscribed by the Board.

(c) The Board shall approve the petition submitted under subsection (a) upon review and approval of the information submitted under subsection (b) and a determination by the Board by clear and convincing evidence that:

(1) The interactive gaming certificate holder and the interactive gaming operator, if applicable, have paid all required fees and taxes payable.

(2) The interactive gaming certificate holder, or the interactive gaming operator, as the case may be, possesses the necessary funds or has secured adequate financing to commence the conduct of interactive gaming at the qualified airport.

(3) The proposed internal and external security and surveillance measures at the qualified airport and within the airport gaming area are adequate.

(4) Interactive gaming at the qualified airport will be conducted and operated in accordance with this chapter.

§ 830a.5. Multiuse computing device gaming fees and taxes.

(a) Upon authorization from the Board to conduct interactive gaming at a qualified airport through the use of multiuse computing devices, an interactive gaming certificate holder or interactive gaming operator shall pay a one-time, nonrefundable fee, which upon receipt by the Board shall be deposited in the General Fund.

(b) The amount of the authorization fee paid shall be as provided for in 4 Pa.C.S. § 13B20.3 (relating to fee).

(c) If a qualified airport that is not initially determined to be an international airport under this chapter pays the lower fee amount as dictated by § 13B20.3(a)(2)(iv), but later becomes an international airport, the qualified airport shall pay the difference between the lower fee amount and the higher fee amount dictated by § 13B20.3(A)(2)(IV) as a condition of continued offering of interactive gaming through multiuse computing devices.

(d) An interactive gaming certificate holder or interactive gaming operator authorized to conduct interactive gaming at a qualified airport shall report to the Depart-

ment of Revenue and pay the multiuse gaming device tax and multiuse gaming device local share assessment as required by the Act on the gross interactive airport gaming revenue from multiuse computing devices in qualified airports.

§ 830a.6. Licensure requirements.

(a) Any interactive gaming operator, interactive gaming manufacturer, interactive gaming supplier or interactive gaming service provider seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers in an airport gaming area shall have been issued a license, certification, registration or other authorization from the Board to participate in interactive gaming in accordance with Chapters 803a and 805a—807a. For purposes of this section, a concession operator shall be licensed as an interactive gaming supplier.

(b) Any interactive gaming principal, interactive gaming key employee or interactive gaming employee seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers in an airport gaming area shall have been issued a license, permit, registration or other authorization from the Board in accordance with Chapter 808a (relating to interactive gaming principals and key, gaming and nongaming employees).

(c) Any employee of a concession operator as defined in the Act and this subpart whose job duties include oversight, management, maintenance or other tasks involving interactive gaming through multiuse computing devices at a qualified airport, including but not limited to handling player complaints, providing player assistance or supervising play on the multiuse computing devices, must be licensed as an interactive gaming employee.

(d) The Board may, in its discretion, determine at any time that other entities or employees not described in the preceding subparagraphs shall be licensed, permitted, certified, registered or otherwise authorized by the Board.

§ 830a.7. Multiuse computing device and gaming platform requirements.

(a) A multiuse computing device must:

(1) Be located and accessible to eligible passengers only in an airport gaming area.

(2) Allow an eligible passenger to play an authorized interactive game. To ensure the multiuse computing device is operated only by an eligible passenger, the device shall provide for verification of age and passenger status through automated means on the device, unless otherwise approved by the Board.

(3) Be approved by the Board.

(4) Communicate with a server that is in a location approved by the Board.

(5) Have the capability of providing all necessary reports for calculation of gross interactive airport gaming revenue as required by the Department.

(6) Be tethered or otherwise secured in a manner to prevent removal from the airport gaming area.

(7) Offer a player additional functions which includes Internet browsing, the capability of checking flight status, and ordering food or beverages.

(i) An interactive gaming certificate holder, interactive gaming operator or concession operator may restrict

access to other interactive gaming web sites in the Internet browsing function on the multiuse computing device.

(ii) An interactive gaming certificate holder, interactive gaming operator or concession operator shall not, acting directly or indirectly in concert with an airport authority or other entity, restrict access to other interactive gaming web sites on public wireless Internet offered to persons at a qualified airport.

(8) Be equipped with software or a program that would allow an authorized onsite interactive gaming employee to temporarily disable the device or terminate an interactive gaming session.

(b) The interactive gaming system and interactive gaming platform used to conduct interactive gaming through the use of multiuse computing gaming devices at a qualified airport shall be subject to the requirements set forth in Chapters 809a and 810a (relating to interactive gaming platform requirements; and interactive gaming testing and controls) as they relate to the conduct of interactive gaming through the use of multiuse computing devices.

(c) The interactive gaming system and interactive gaming platform used to conduct interactive gaming through the use of multiuse computing devices by eligible passengers at a qualified airport shall not be subject to the requirement of § 809a.7 (relating to geolocation requirements).

§ 830a.8. Multiuse computing device gaming accounting and internal controls; required reports.

(a) The interactive gaming certificate holder or interactive gaming operator offering interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area shall be subject to the requirements of Chapter 811a (relating to interactive gaming accounting and internal controls).

(b) If applicable, the internal controls shall include protocols and procedures for the involvement of a concession operator and its employees in the offering of interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, including but not limited to licensure of employees, account funding and withdrawals, handling player complaints, providing player assistance, supervising play on the multiuse computing devices or other items the Board may request be included in the internal controls.

(c) The interactive gaming system used to offer interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area shall be designed to generate reports as specified by the Board which comply with the requirements of § 811a.9(a)–(c) (relating to required reports; reconciliation).

§ 830a.9. Eligible passengers; accounts; funding of play; withdrawals.

(a) Prior to engaging in interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, the player shall be verified as an eligible passenger, as defined in this subpart, by automated means provided on the multiuse computing device, or as otherwise approved by the Board.

(b) An eligible passenger shall create an account with the interactive gaming certificate holder, interactive gaming operator or concession operator, which shall last for the duration of the player's interactive gaming session and the withdrawal of the player's winnings, if applicable.

(i) If a player has established an interactive gaming account under Chapter 812a (relating to interactive gaming player accounts) with an interactive gaming certificate holder or interactive gaming operator who also offers interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, the player may use his or her established interactive gaming account to engage in interactive gaming on the multiuse computing device.

(c) A player's account may be funded through the use of all of the following:

(1) A player's credit card or debit card, including prepaid cards.

(2) A player's reloadable prepaid card.

(3) Cash compliments, promotional credits or bonus credits.

(4) Automated clearing house (ACH) transfer, provided that the interactive gaming certificate holder, interactive gaming operator, or concession operator has security measures and controls to prevent ACH fraud.

(5) Any other means as approved by the Board.

(d) An interactive gaming certificate holder, interactive gaming operator or concession operator shall establish protocols for players to withdraw funds at the end of the player's interactive gaming session in accordance with its approved internal controls.

(e) Funds may be withdrawn from the player's account at the end of the interactive gaming session through the use of all of the following:

(1) The issuance of a check from the interactive gaming certificate holder, interactive gaming operator or concession operator.

(2) Transfer to a player's reloadable prepaid cash card.

(3) Transfer directly to the player's individual account with a bank or other financial institution (banking account) provided that the interactive gaming certificate holder, interactive gaming operator or concession operator verifies the validity of the account with the financial institution.

(4) Any other means approved by the Board.

§ 830a.10. Compulsive and problem gaming; self-exclusion.

(a) Any interactive gaming certificate holder or interactive gaming operator seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers at a qualified airport in an airport gaming area shall comply with the provisions of Chapters 814a and 815a (relating to compulsive and problem gambling requirements; and interactive gaming self-excluded persons).

§ 830a.11. Commencement of multiuse computing device gaming.

(a) Prior to the commencement of interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, an interactive gaming certificate holder or interactive gaming operator shall submit all of the required information set forth in § 817a.2(a) (relating to commencement of operations generally), excluding the Geolocation compliance information from § 817a.2(a)(8)(ii).

(b) Prior to commencement of operations, the interactive gaming certificate holder's, interactive gaming operator's or concession operator's interactive gaming princi-

pals, interactive gaming key employees or interactive gaming employees shall be appropriately licensed or permitted and trained in the performance of their responsibilities.

(1) At all times when interactive gaming through the use of multiuse computing devices at a qualified airport in an airport gaming area is offered, the interactive gaming certificate holder, interactive gaming operator or concession operator shall have an adequate number of interactive gaming employees onsite, based upon quantity of multiuse computing devices available for use and the dimensions of the airport gaming area, at a number to be approved by the Board to handle matters related to the oversight, management, maintenance or other tasks involving interactive gaming through multiuse computing devices, including but not limited to player complaints, providing player assistance or supervising play on multiuse computing devices.

(2) If at any time it appears or is reported to an interactive gaming employee or employees that the multiuse computing device is being operated in violation of this

chapter and this subpart, the interactive gaming employee shall terminate the interactive gaming session, with the procedure for termination to be detailed in the internal controls.

(c) Prior to commencement of operations, the interactive gaming certificate holder, interactive gaming operator or concession operator licensee shall ensure that new and existing employees of the interactive gaming certificate holder or interactive gaming operator, and employees of the concession operator licensed by the Board, are regularly informed about the restrictions in § 808a.1(g) (relating to general provisions), restricting the placement wagers on the interactive gaming sites offered by or associated with the interactive certificate holder, interactive gaming operator or concession operator.

(d) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator shall have successfully completed a test period.

[Pa.B. Doc. No. 21-1379. Filed for public inspection August 27, 2021, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

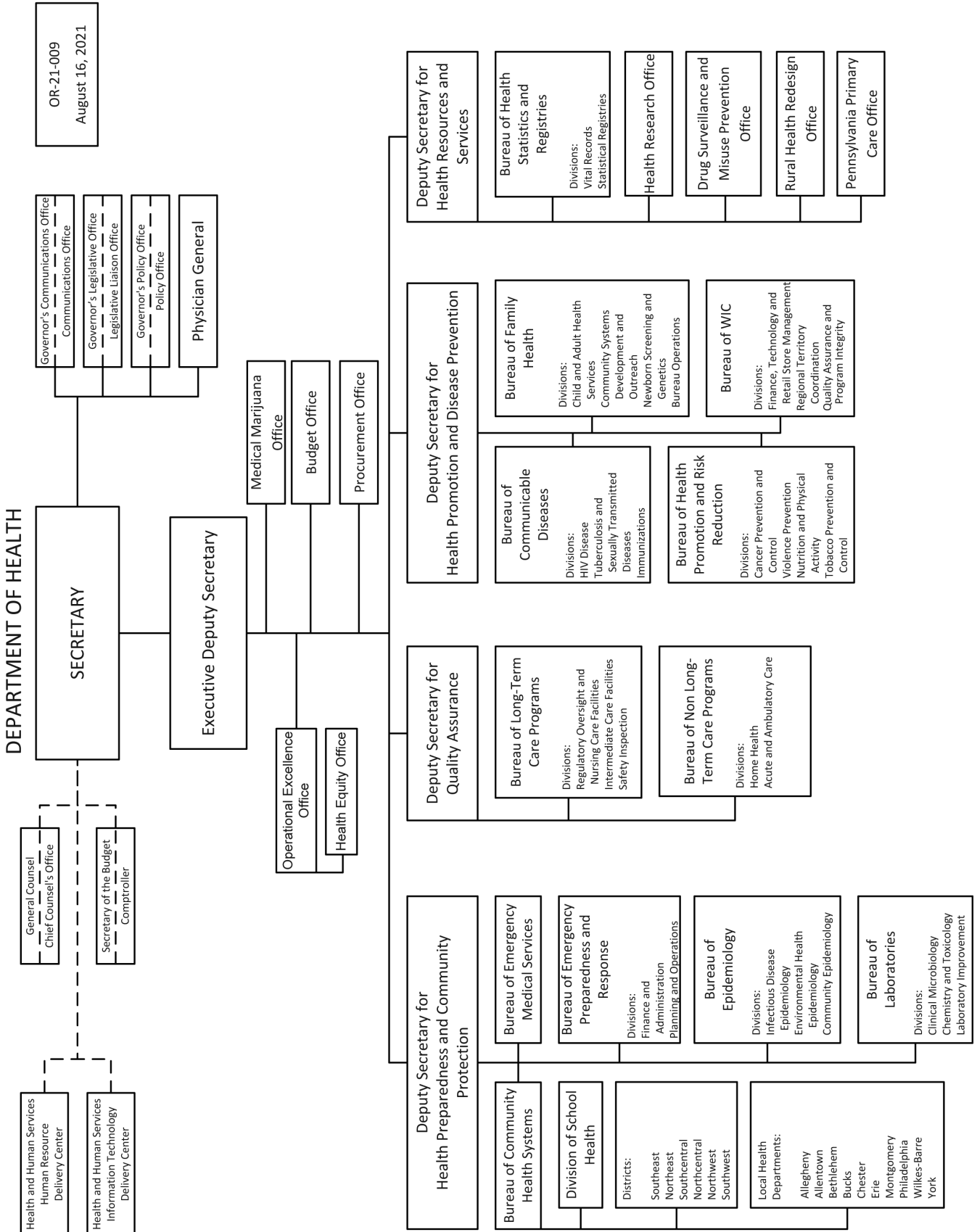
Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective August 16, 2021.

The organization chart at 51 Pa.B. 5446 (August 28, 2021) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 21-1380. Filed for public inspection August 27, 2021, 9:00 a.m.]



NOTICES

BOARD OF COAL MINE SAFETY

Meeting Cancellation

The September 7, 2021, meeting of the Board of Coal Mine Safety (Board) is cancelled. The next regular meeting of the Board is scheduled for Tuesday, December 7, 2021, and will begin at 10 a.m. in Conference Rooms A and B, Department of Environmental Protection Cambria Office, 286 Industrial Park Road, Ebensburg, 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 Peggy Scheloske at mscheloske@pa.gov or (724) 404-3143.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's

(Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining," then "Board of Coal Mine Safety," then "2021").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the December 7, 2021, meeting can be directed to Peggy Scheloske at mscheloske@pa.gov or (724) 404-3143.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Peggy Scheloske at (724) 404-3143 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,
Chairperson

[Pa.B. Doc. No. 21-1381. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending August 17, 2021.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
08-12-2021	Peoples Security Bank and Trust Company Scranton Lackawanna County	444 Hoes Lane Suite 301 Piscataway Middlesex County, NJ	Approved
08-13-2021	Penn Community Bank Doylestown Bucks County	490 Forty Foot Road Lansdale Montgomery County	Filed
08-17-2021	Citizens & Northern Bank Wellsboro Tioga County	2098 Spring Valley Road Lancaster Lancaster County	Approved
08-17-2021	Citizens & Northern Bank Wellsboro Tioga County	2951 Whiteford Road York York County	Approved

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
08-12-2021	Viriva Community Credit Union Warminster Bucks County	Approved
	Application for approval to merge Viriva Community Credit Union, Warminster, with and into American Heritage Federal Credit Union, Philadelphia.	

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 21-1382. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP's website at www.dep.pa.gov/CWPublicNotice.

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP's tentative determinations may be reviewed by generating the "Applications Received with Comment Periods Report" on DEP's website at www.dep.pa.gov/CWPublicNotice. Notification of 15-day extensions for comment will be provided in the "Applications Received with Comment Periods Report" (Comments column).

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications and NOIs may be reviewed at the DEP office that received the application or NOI. Contact information for each DEP office for Sections I & II is listed as follows. Contact information for Section III is available within the table. Members of the public are encouraged to use DEP's website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs in Sections I & II and to submit comments for those application and NOIs, when applicable, is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1516826	Joint DEP/PFBC Pesticides Permit	Renewal	Rhondda HOA P.O. Box 232 Exton, PA 19341-0232	Uwchlan Township Chester County	SERO
2821802	Joint DEP/PFBC Pesticides Permit	New	Shoap Kenneth 9579 Roxbury Road Lurgan, PA 17232-9703	Lurgan Township Franklin County	SCRO
2821803	Joint DEP/PFBC Pesticides Permit	New	Leduc David 4038 Shatzer Road Chambersburg, PA 17202	Lurgan Township Franklin County	SCRO
2915801	Joint DEP/PFBC Pesticides Permit	Renewal	Smith Todd L P.O. Box 261 State Line, PA 17263-0261	Licking Creek Township Fulton County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6521801	Joint DEP/PFBC Pesticides Permit	New	Westmoreland County Parks & Recreation 2 N Main Street Greensburg, PA 15601-2405	Unity Township Westmoreland County	SWRO
6521802	Joint DEP/PFBC Pesticides Permit	New	Westmoreland County Parks & Recreation 194 Donohoe Road Greensburg, PA 15601-6986	Mount Pleasant Township Westmoreland County	SWRO
PA0060852	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Symba Capital LLC 124 Cedarhurst Avenue Suite L Cedarhurst, NY 11516-2160	Falls Township Wyoming County	NERO
PA0063428	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Transfer	BM Resort Management P.O. Box 216 Palmerton, PA 18071-0216	Lower Towamensing Township Carbon County	NERO
NNOEXNC73	No Exposure Certification	Renewal	Const Spec of NJ Inc. 6696 Route 405 Highway Muncy, PA 17756-6381	Montgomery Borough Lycoming County	NCRO
NOEXNC134	No Exposure Certification	New	Fedex Ground Pkg System Inc. 1000 Fed Ex Drive Moon Township, PA 15108-9373	Fairfield Township Lycoming County	NCRO
NOEXSW030	No Exposure Certification	Transfer	General Electric Energy Power Conversion USA Inc. 101 N Campus Drive Imperial, PA 15126-2402	Findlay Township Allegheny County	SWRO
PAG036303	PAG-03 NPDES General Permit for Industrial Stormwater	New	North Central Proc Inc. P.O. Box 93941 Cleveland, OH 44101-5941	Jefferson Hills Borough Allegheny County	SWRO
PAG043921	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Eaves Matthew 7960 Spring Road New Bloomfield, PA 17068-8239	Centre Township Perry County	SCRO
PAG122221	PAG-12 NPDES General Permit for CAFOs	New	Zimmerman Amos 107 Mountain Trail Road Newmanstown, PA 17073-8813	West Brunswick Township Schuylkill County	SCRO
PAG123828	PAG-12 NPDES General Permit for CAFOs	Renewal	Brechbill Christopher J 3387 Mont Alto Road Fayetteville, PA 17222-9661	Guilford Township Franklin County	SCRO
0421405	Sewage Treatment Facilities Individual WQM Permit	New	Pitchford Mark 110 Bowers Drive Fombell, PA 16123-2302	Franklin Township Beaver County	SWRO
0721404	Sewage Treatment Facilities Individual WQM Permit	New	Botteicher Richard F 600 Diamond Circle Martinsburg, PA 16662-1615	Frankstown Township Blair County	SCRO
1311401	Sewage Treatment Facilities Individual WQM Permit	Transfer	BM Resort Management P.O. Box 216 Palmerton, PA 18071-0216	Lower Towamensing Township Carbon County	NERO
2121406	Sewage Treatment Facilities Individual WQM Permit	New	Werner Bruce G & Werner Nancy E 171 Clemson Drive Carlisle, PA 17013-8891	Middlesex Township Cumberland County	SCRO
2516413	Sewage Treatment Facilities Individual WQM Permit	Transfer	Ricketts Chelsey 10851 Sidehill Road North East, PA 16428-4963	North East Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5012402	Sewage Treatment Facilities Individual WQM Permit	Transfer	Jones Barbara A & Jones Larry A 97 Sloop Road Shermans Dale, PA 17090	Carroll Township Perry County	SCRO
5621403	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
5673413	Sewage Treatment Facilities Individual WQM Permit	Transfer	Feather Family Revocable Trust 1510 Dark Shade Drive Windber, PA 15963-6223	Paint Township Somerset County	SWRO
6571417	Sewage Treatment Facilities Individual WQM Permit	Amendment	Kiski Valley Water Poll Control Authority 1361 School Road Leechburg, PA 15656-4904	Allegheny Township Westmoreland County	SWRO
6721402	Sewage Treatment Facilities Individual WQM Permit	New	Gotwalt Michael A 1308 Carl Park Lane Vero Beach, FL 32963	Warrington Township York County	SCRO
0221401	Sewer Extensions and Pump Stations Individual WQM Permit	New	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
PA0261823	Single Residence STP Individual NPDES Permit	Transfer	Jones Barbara A & Jones Larry A 97 Sloop Road Shermans Dale, PA 17090	Carroll Township Perry County	SCRO
1412101	WQG-01 WQM General Permit	New	Dwaine L & Shelby A Wilson 1566 Smokey Corners Road Williamsport, PA 17701-9670	Hepburn Township Lycoming County	NCRO
WQG02062101	WQG-02 WQM General Permit	New	Alsace Township Berks County 65 Woodside Avenue Temple, PA 19560-9530	Alsace Township Berks County	SCRO

II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

Northcentral Regional Office

PA0114596, Industrial, SIC Code 2891, **Avery Dennison**, 171 Draketown Road, Mill Hall, PA 17751-8608. Facility Name: Avery Dennison Lock Haven Adhesives Plant. This existing facility is located in Bald Eagle Township, **Clinton 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 Bald Eagle Creek (CWF, MF) is located in State Water Plan watershed 9-C and is classified for Cold Water Fishes, Migratory Fishes, and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.17
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	110 Daily Max	XXX
Oil and Grease	XXX	XXX	XXX	15 Avg Qrtly	XXX	30

The proposed effluent limits for Outfalls 002—007 are not based on a design flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Other Requirements
- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

PA0232793, Sewage, SIC Code 4952, **Jonah A. Wykoff**, 6633 Chestnut Grove Highway, Luthersburg, PA 15848-5014. Facility Name: Jonah A. Wykoff SRSTP. This existing facility is located in Bloom Township, **Clearfield County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SRSTP sewage.

The receiving stream(s), Little Anderson Creek (CWF, MF), is located in State Water Plan watershed 8-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 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
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

In addition, the permit contains the following major special conditions:

- Other Requirements.

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

The EPA Waiver is in effect.

PA0233137, Sewage, SIC Code 4952, **Renninger Steven E**, 1667 Smokey Corners Road, Williamsport, PA 17701-9213. Facility Name: Steven E Renninger. This proposed facility is located in Hepburn Township, **Lycoming 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 Mill Creek (WWF, MF), is located in State Water Plan watershed 10-A and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0233145, Sewage, SIC Code 4952, **Hillary Fisher**, 2399 Northway Road Ext, Williamsport, PA 17701-9270. Facility Name: Hillary Fisher. This proposed facility is located in Hepburn Township, **Lycoming 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 Millers Run (WWF, MF), is located in State Water Plan watershed 10-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.

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
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0263826, Sewage, SIC Code, **Denton A & Twila J Eby**, 17963 State Highway 86, Saegertown, PA 16433-6349. Facility Name: Denton A & Twila J Eby SRSTP. This existing facility is located in Woodcock Township, **Crawford 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 Bossard Run (HQ-CWF), is located in State Water Plan watershed 16-A 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 .00125 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

PA0264253, Sewage, SIC Code 8800, **Theresa Croll**, 19664 Collier Drive, Meadville, PA 16335-9678. Facility Name: Theresa Croll SRSTP. This existing facility is located in Woodcock Township, **Crawford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SRSTP sewage. This application also transfers ownership from Joseph P. & Katie L. Hall to Theresa Croll.

The receiving stream, an Unnamed Tributary to the French Creek (WWF), is located in State Water Plan watershed 16-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 0.0004 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
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	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.

PA0289671, Sewage, SIC Code 4952, 8800, **Linda & Richard Arbogast**, 9173 Peasley Road, Amherst, OH 44001-9635. Facility Name: Linda & Richard Arbogast SRSTP. This proposed facility is located in Pittsfield Township, **Warren 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 Miles Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	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.

PA0289698, Sewage, SIC Code 4952, 8800, **Eric & Janet Gadley**, 411 Rice Avenue, Girard, PA 16417-1426. Facility Name: Eric & Janet Gadley SRSTP. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage.

The receiving stream(s), Unnamed Tributary to Cussewago Creek (WWF), is located in State Water Plan watershed 16-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 .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 ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Southcentral Regional Office

PA0014672, Industrial, SIC Code 6733, **Exide Environmental Response Trust**, One World Trade Center, Long Beach, CA 90802. Facility Name: Exide Trust Reading. This existing facility is located in Muhlenberg Township, **Berks County**.

Description of Existing Activity: The application is for a renewal and transfer of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream(s), Unnamed Tributary to Bernhart Creek (CWF) and to Schuylkill River (WWF), is located in State Water Plan watershed 3-C and is classified for Cold Water 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 101 are based on a design flow of 0.09 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>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	25.0	40.0	50
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75
Total Dissolved Solids	XXX	XXX	XXX	6,000.0	7,500.0	7,500
Oil and Grease	XXX	XXX	XXX	15.0	30.0	30
Antimony, Total	Report	Report	XXX	Report	Report	XXX
Cadmium, Total	Report	Report	XXX	0.07	0.11	0.17
Copper, Total	Report	Report	XXX	Report	Report	XXX
Lead, Total	Report	Report	XXX	0.91	1.41	2.3
Thallium, Total	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 0.51 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>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	XXX	2,500
Oil and Grease	XXX	XXX	XXX	15.0	30.0	30
Lead, Total	Report	Report	XXX	0.91	1.41	2.3
Zinc, Total	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	Report	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	Report	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Antimony, Total	XXX	Report	XXX	XXX	Report	XXX
Cadmium, Total	XXX	Report	XXX	XXX	Report	XXX
Copper, Total	XXX	Report	XXX	XXX	Report	XXX
Lead, Total	XXX	Report	XXX	XXX	Report	XXX
Zinc, Total	XXX	Report	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- The discharge line from the facility to the municipal storm sewer shall be cleaned regularly
- Biological monitoring of Bernhart Creek shall be conducted at least once during the permit term
- The stormwater treatment plant will be operated to treat stormwater and maximize the efficiency of the system
- Best Management Practices are required to reduce stormwater exposure to pollutants
- A Preparedness, Prevention, and Contingency Plan will be maintained

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.

Application No. PA0246964, Concentrated Animal Feeding Operation (CAFO), **Kenneth R. Martin** (Ken Martin Farm CAFO), 1397 Robert Fulton Highway, Quarryville, PA 17566-9630.

Kenneth R. Martin has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Ken Martin Farm CAFO, located in East Drumore Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to West Branch Octoraro Creek (HQ-CWF, MF) and Unnamed Tributary to Conowingo Creek (HQ-CWF) in Watershed 7-K, which is classified for High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 1,749.63 animal equivalent units (AEUs) consisting of 80 dairy cows, 12 dry cows, 25 Holstein calves, 170,000 pullets, and 10,400 swine wean to finish. Liquid dairy manure is stored in a concrete round tank with an open top. The operation has 3 deep underbarn storages and an open top earthen lagoon to store liquid swine manure. Solid pullet manure is stored in a roofed dry manure storage and dry cow and calf manure is stored on an open stacking area handled as penpack. 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.

PA0020818, Sewage, SIC Code 4952, **Glen Rock Borough Sewer Authority York County**, P.O. Box 205, Glen Rock, PA 17327-0205. Facility Name: Glen Rock STP. This existing facility is located in Glen Rock Borough, **York 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), South Branch Codorus Creek (WWF), is located in State Water Plan watershed 7-H and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		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
CBOD ₅	125.0	200.0	XXX	25.0	40.0	50.0
Total Suspended Solids	150.0	Wkly Avg 225.0	XXX	30.0	45.0	60.0
BOD ₅	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	40.0	XXX	XXX	8.0	XXX	16.0
Nov 1 - Apr 30	120.0	XXX	XXX	24.0	XXX	48.0
Total Phosphorus	10.0	XXX	XXX	2.0	XXX	4.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Net Total Nitrogen	Report	10,959	XXX	XXX	XXX
Net Total Phosphorus	Report	1,461	XXX	XXX	XXX

*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

Southwest Regional Office

PA0098990, Sewage, **K M & G Holding Inc.**, P.O. Box 390, Rochester, PA 15074-0390. Facility Name: K M & G Holding Inc. SFTF. This proposed facility is located in Fallston Borough, **Beaver County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SFTF sewage.

The receiving stream(s), Brady Run (TSF), is located in State Water Plan watershed 20-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 .00013 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.0005	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.17
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0030350, Sewage, SIC Code 4952, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926-7621. Facility Name: Indian Lake Borough Sewage Treatment Plant. This existing facility is located in Indian Lake Borough, **Somerset 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), Indian Lake—Clear Run Branch (CWF), is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	2.5	4.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids	3.0	4.5	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	Report	XXX	Report	Report	XXX
May 1 - Oct 31	2.5	3.7	XXX	25.0	37.5	50
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Daily Max Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0033626, Sewage, SIC Code 8211, **West Greene School District**, 1367 Hargus Creek Road, Waynesburg, PA 15370-3815. Facility Name: West Greene Middle School/High School STP. This existing facility is located in Center Township, **Greene 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, Hargus Creek (HQ-WWF), is located in State Water Plan watershed 19-B and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.012	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)						
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	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions: requirements for solids management 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.

PA0097691, Sewage, SIC Code 7033, **Danielle Leclair**, 7 KOA Road, Washington, PA 15301-3123. Facility Name: Washington KOA Campground. This existing facility is located in South Strabane Township, **Washington County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary of Chartiers Creek (HQ-WWF), is located in State Water Plan watershed 20-F and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	0.01	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.4	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	25	XXX	50
Fecal Coliform (CFU/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
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	XXX	XXX	XXX	6.0	XXX	12.0

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX

In addition, the permit contains the following major special conditions:

- TRC Minimization
- Proper Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD580010	New	Jerel Bogden Eureka Resources LLC 315 Second Street Williamsport, PA 17701	Municipality, Dimock Susquehanna County	NERO
PAD480153	New	PD Valley, LP 60 W. Broad Street Suite 102 Bethlehem, PA 18018	Lower Saucon Township Northampton County Upper Saucon Township Lehigh County	NERO
PAD450148	New	Scott H and Scott Alex Slater 1219 Spruce Road Saylorsburg, PA 18353	Ross Township Monroe County	NERO
PAD390214	Renewal	Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Lower Macungie Township Lehigh County	NERO
PAD210073	New	Smith Farm Partners LLC 430 North Front Street Wormleysburg, PA 17043	South Middleton Cumberland County	SCRO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD440013	New	Dryhouse Stoneworks LLC 30 Walnut Grove Lane Belleville, PA 17004	Union Township Mifflin County	SCRO
PAD180021 A-1 Maj Mod	Amendment Individual Permit	Glossners Concrete Dotterers Road Mill Hall, PA 17751	Porter Township Clinton County	NCRO
PAD410012 A-1	Amendment Individual Permit	Lycoming County Department of Public Safety 542 Count Farm Road Suite 101 Montoursville, PA 17754	Piatt Township Lycoming County	NCRO
PAD020049	Individual NPDES	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Neville Township Allegheny County	SWRO
PAD110014	Individual NPDES	Jackson Township 513 Pike Road Johnstown, PA 15909	Jackson Township Cambria County	SWRO

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>
Noah and Travis Martin 1821 State Route 184 Trout Run, PA 17771	Lycoming	700	724.41	Swine, Beef	HQ, EV	Renewal
Jay Lehman Standing Stone Egg Farm 2146 Powells Valley Rd Halifax, PA 17032	Dauphin	4	441.5	Layers	NA	New
Willow Behrer Farms LLC 3288 Behrer Lane Spruce Creek, PA 16683	Huntingdon	1,300	1,560.26	Dairy	HQ	Renewal
Lost Creek Farm (Brent Hershey) 586 Benner Rd. McAlisterville, PA 17049	Juniata	151	881.88	Swine	NA	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).

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

Application No. 4821505, Public Water Supply.

Applicant	Bethlehem Authority 10 East Church Street Bethlehem, PA 18018
Municipality	Allen Township
County	Northampton
Type of Facility	Public Water Supply
Consulting Engineer	Steven G. Lowry, P.E. Steven G. Lowry & Associates, Inc. 10 East Church Street Bethlehem, PA 18018
Application Received Date	July 27, 2021
Description of Application	The applicant is requesting authorization to construct a pumping station, which will serve to consolidate a smaller PWS system with the applicant's larger system.

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0621522, Public Water Supply.

Applicant	M&G Realty, Inc.
Municipality	Maxatawny Township
County	Berks
Responsible Official	Tim Rutter President 2100 North George Street York, PA 17404
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Application Received:	June 16, 2021
Description of Action	New system, including well, softener, reverse osmosis, and disinfection (4-log treatment of viruses).

Permit No. 2821505, Public Water Supply.

Applicant	Mercersburg Water Authority
Municipality	Mercersburg Borough
County	Franklin
Responsible Official	Derek Stoy Assistant Authority Manager 113 South Main Street Mercersburg, PA 17236
Type of Facility	Public Water Supply
Consulting Engineer	Lance S. Kegerreis, P.E. Dennis E. Black Engineering Inc. 2400 Philadelphia Avenue Chambersburg, PA 17201
Application Received:	June 16, 2021
Description of Action	Addition of Zimm Well and treatment.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 4921503, Major, Public Water Supply.

Applicant	PA American Water Company—White Deer
Township or Borough	White Deer Township
County	Union
Responsible Official	Bruce Aiton Vice President—Engineering 852 Wesley Drive Mechanicsburg, PA 17055
Type of Facility	Public Water Supply
Consulting Engineer	Garret J. Hargenrader, P.E. Gwin, Dobson and Forman, Inc. 3121 Fairway Drive Altoona, PA 16602
Application Received Date	August 17, 2021

Description of Action Pennsylvania-American Water Company is planning the construction of 0.25 MG Clearwell water-storage tank adjacent to the existing Clearwell Tank at the White Deer Water Treatment Plant in White Deer Township, PA.

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0221536, Public Water Supply.

Applicant **Pennsylvania American Water Company**
852 Wesley Drive
Mechanicsburg, PA 17055

Township or Borough Smith Township

County **Washington**

Responsible Official Bruce Aiton
VP of Engineering

Type of Facility Water system

Consulting Engineer Gwin Dobson & Foreman
Engineers
3121 Fairway Drive
Altoona, PA 16602

Application Received Date August 6, 2021

Description of Action Construction of the Grant Street booster station.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5887.

Contact: Kimberleigh Rivers, 424.250.5887.

WA-09-1003A Water Allocations. Newtown Artesian Water Company, 201 North Lincoln Avenue, Newtown, PA 18940-0217, Newtown Township, **Bucks County**. Granting the right to purchase water interconnection. NAWC has an existing interconnection with PAWC at the Lindenhurst Road and Autumn Drive in Newtown Township, Bucks County.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief, (814) 332-6940.

43-270N: CCL Container (1 Llodio Drive, Hermitage, PA 16148). The Department intends to issue a plan

approval to this existing Synthetic Minor facility located in Hermitage Township, **Mercer County**. This plan approval would: reactivate four can manufacturing lines 2—5 (Sources 102, 103, 104, 105), install a new Adwest RTO (Control Device C08), reroute 13 manufacturing lines to the new RTO (C08), and add one new additional can manufacturing line (Source 111).

Operation of the project's sources will generate primarily VOC emissions. VOC emissions from the can coating stations of each line (excluding decorative coating) will be controlled using the existing RTO (C06) or the proposed RTO (C08). The RTOs will each maintain a minimum overall destruction efficiency of 98% when the sources exhaust stream has VOC concentrations of 100 ppmv or more. VOCs will be limited to 5 ppmv when the RTO inlet stream is below 100 ppmv.

Capture efficiency will be maintained at 100% and confirmed through testing. Operation of the RTOs will generate combustion related emissions. Facility wide emission rates would remain limited to 24.5 tpy of combined HAP emissions, 9.5 tpy of single HAP species emission, and 49.5 tpy combined VOC emissions.

Some PM emissions will be generated by the sources. Exhaust from the inside liner coating stations will be controlled by baghouses before entering an RTO control device. PM emissions will be restricted to 0.02 gr/dscf.

The proposed sources are considered new sources (post 1972) and are subject to BAT requirements. The use of the existing control equipment is consistent with current best available technology (BAT). Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the operating permit through an administrative amendment at a later date.

The sources will comply with conditions, which satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the sources. Emission rates will be verified via stack testing. The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6940.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [43-270N: CCL Container] 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 Eric Gustafson, 230 Chestnut St., Meadville, PA 16335; phone number (814) 332-6819.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

39-00006: American Craft Brewery, LLC (7880 Penn Drive, Breinigsville, PA 18031). The Department intends to issue a Title V Operating Permit Renewal for their facility located in Upper Macungie Township, **Lehigh County**. The proposed Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirement.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00101: William Rowen Grant Funeral Home Inc./dba Delaware Valley Crematory Co. (659 Street Rd., Southampton, PA 18966) for continued operation of a human crematorium in Upper Southampton Township, **Bucks County**. The Department intends to renew permit for a non-Title V (State Only) facility. The major source of air emissions is one human crematorium having a 0.6 MMBtu/hr primary combustion chamber and a 1.2 MMBtu/hr secondary combustion chamber. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00291: Precision Polymer Products, Inc. (815 South St., Pottstown, PA 19464), for a non-Title V, State Only, Synthetic Minor Operating Permit in Pottstown Township, **Montgomery County**. The Department intends to renew permit to allow the use of isopropyl alcohol (IPA) at their facility. Based on the potential emissions of VOC, which are less than major source threshold, the facility is a Synthetic Minor after limitations. The permit was initially issued on 12-9-2016. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.

28-03049: Thomas L. Geisel Funeral Home, Inc. (333 Falling Spring Road, Chambersburg, PA 17202), for a natural minor operating permit renewal for a human crematory located in Guilford Township, **Franklin County**. The air emissions from the crematory are expected to be less than 1 ton per year of each of the criteria air pollutants. The Operating Permit will include emission standards and work practice standards along with monitoring, recordkeeping, and reporting requirements designed 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.

49-00048: Blank Funeral Home (395 State Street, Sunbury, PA 17801) to issue a renewal State Only Operating Permit for their facility located in Upper Augusta Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00048. The facility's main source is an All Crematory Corporation, model 2101, 1.4 MMBtu/hr input, natural gas fired, 150 lbs/hr, type 4 waste incinerator. The facility has potential emissions of 8.59 tons per year of nitrogen oxides, 2.15 tons per year of carbon monoxide, 0.05 ton per year of sulfur oxides, 0.30 ton per year of particulate matter, and 0.01 ton per year of volatile organic compounds. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the renewal 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.

14-00016: Penns Valley Area School District (4528 Penns Valley Road, Spring Mills, PA 16875) to issue a State-Only Operating Permit renewal for their elementary and intermediate school and the junior and senior high school buildings located in Penn Township, **Centre County**. The facility is currently operating under State-Only Operating Permit 14-00016. The facility's main sources include a 9.70 MMBtu/hr, Challenger Energy Systems model CCU409-W, wood-fired boiler and a multi-clone collector, two 7.07 MMBtu/hr # 2 fuel oil fired boilers, and one 1.80 MMBtu/hr # 2 fuel oil fired boiler. This facility has the potential to emit 9.32 tons of carbon monoxide, 20.70 tons of nitrogen oxides, 9.58 tons of particulate matter (including particulate matter less than 10 microns), 8.40 tons of particulate matter less than 2.5 microns, 4.64 tons of sulfur oxides, 0.82 ton of volatile organic compounds, 0.73 ton of hazardous air pollutants, and 20,216 tons of greenhouse gases (expressed as carbon dioxide equivalent). 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 and 40 CFR Part 63 Subpart JJJJJJ. 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, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-00042: Gabriel Performance Products, LLC (408 Manor Harrison City Road, Harrison City, PA 15636-1102) synthetic minor operating permit for the manufacturing of resin and paints located in Manor Borough, **Westmoreland County**. Air contamination sources at this facility consist of the following processes: natural gas combustion units for process heat, four reaction kettles and thinning tanks for the resin plant controlled by a regenerative thermal oxidizer (RTO), resin plant hopper loading, paint mixing plant, solvent cleanup, and various storage tanks for the paint and resin plant. Emissions are controlled through the use of two baghouses and an RTO. Emissions from this site are limited to 30 tons per year of VOCs, 9.9 tons per year single HAP, and 16.2 tons per year combined HAP. Potential emissions for other pollutants from natural gas combustion units include 6.4 TPY NO_x, 5.3 TPY CO, 2.1 TPY PM₁₀, 2.1 TPY PM_{2.5}, 0.4 TPY SO_x, and 7,575 TPY CO_{2e}. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed synthetic minor State-Only Operating Permit includes emission restrictions, monitoring, recordkeeping, reporting, and work practice standards requirements for the site.

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 Permitting Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00042) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information 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 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.

All comments must be received prior to the close of business 30 days after the date of this publication.

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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

10-00288: Evergreen Metallurgical LLC (679 East Butler Road, Butler, PA 16002-9127) for renewal of the State Only Operating Permit for the ferroalloy production facility located in Summit Township, **Butler County**. The sources at the facility include the ferroalloy product line controlled by a baghouse, the ferroalloy co-product line controlled by a baghouse, a remote reservoir parts cleaner, and additional trivial sources. The facility is a natural minor. The potential particulate emissions from the facility after control are 1.02 TPY. The potential VOC emissions from the facility are 0.32 TPY. The renewal permit contains the requirements of plan approval 10-307-041A and 10-288A, emission restrictions, record-keeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Envi-

ronmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	

Alkalinity greater than acidity¹

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).

Permit No. 56140702 and NPDES Permit No. PA0236306. Laurel Prep Plant, LLC, 1501 Ligonier Street, Latrobe, PA 15650, to transfer the permit and related NPDES Permit from LCT Energy, LP for Laurel Refuse in Shade Township, **Somerset County**. No additional discharges. The application was considered administratively complete on August 6, 2021. Application received: April 27, 2021.

Permit No. 11051301 and NPDES Permit No. PA0235652. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 to revise the permit and related NPDES Permit for installation and maintenance of a rock dust borehole, power borehole and two (2) degassing boreholes for Cresson Mine located in Cresson and Munster Townships, **Cambria County** affecting 8.1 proposed surface acres. No additional discharges. The application was considered administratively complete on August 10, 2021. Application received: May 17, 2021.

Permit No. 56841608 and NPDES Permit No. PA0213721 and GP12-56841608. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, to renew the permit and related NPDES Permit, including the renewal for Air Quality GPA/GP12 authorization for Cambria Fuel Prep Plant located in Stonycreek Township, **Somerset County**. No additional discharges. The application was considered administratively complete on August 11, 2021. Application received: May 11, 2021.

Permit No. 56841603 and NPDES Permit No. PA0588504 and GP12-56841603. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, to renew the permit and related NPDES Permit, including the renewal for Air Quality GPA/GP12 authorization for Shade Creek Preparation Plant located in Shade Township, **Somerset County**. No additional discharges. The application was considered administratively complete on August 11, 2021. Application received: May 13, 2021.

Permit No. 03841308 and NPDES Permit No. PA0214744. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to renew the permit and related NPDES Permit for reclamation/water treatment only for Rosebud No. 1 located in Perry Township, **Armstrong County**. No additional discharges. The application was considered administratively complete on August 12, 2021. Application received: May 25, 2021.

Permit No. 32841317 and NPDES Permit No. PA0236454. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to renew the permit and related NPDES Permit for Lucerne No. 9 Mine located in Young and Conemaugh Townships, **Indiana County**. No additional discharges. The application was considered administratively complete on August 13, 2021. Application received: May 25, 2021.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, (Contact: Melanie Ford-Wigfield).

Permit No. 11960202, Ebensburg Power Co., 2840 New Germany Road, Ebensburg, PA 15931, permit renewal for reclamation only of a bituminous surface coal refuse reprocessing mine in Cambria Township, **Cambria County**, affecting 29.8 acres. Receiving stream: South Branch Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 13, 2021.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).

Permit No. 43850105. Grove City Materials, LP, 161 Plain Grove Road, Slippery Rock, PA 16057, renewal of an existing bituminous surface mine in Pine & Mercer Townships, **Mercer and Butler Counties**, affecting 103.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries to Swamp Run classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 21, 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.

New Stanton District Mining Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 03142001 and PA0278211. Bardon, Inc., 6401 Golden Triangle Drive, Suite 400, Greenbelt, MD 20770, revision application to add surface mining acreage and continue to conduct noncoal surface mining activities in South Bend Township, **Armstrong County** affecting 101.2 acres. Receiving stream(s): Crooked Creek and UNTs to Crooked Creek classified for the following use(s): WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 6, 2021.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity*

*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30-days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, telephone number and the interest of the party filing the request and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Noncoal NPDES Draft Permits

New Stanton District Mining Office, P.O. Box 133, New Stanton, PA 15672, (724) 925.5500.

NPDES No. PA0589853 (Mining Permit No. 3474SM46), Collier Stone Company, 80 Noblestown Road, Carnegie, PA 15106, NPDES permit at a surface noncoal mine in Collier Township, **Allegheny County**, affecting 34.5 acres. Receiving stream(s): Scotts Run and Robinson Run, classified for the following use(s): WWF. The receiving streams are subject to the Chartiers Creek Total Maximum Daily Load. The first downstream potable water supply intake from the

point of discharge is Duquesne Light Company (PWS 5020847) on the Ohio River. The Department has made a tentative determination to impose effluent limitations, within the ranges specified. Application received: November 25, 2019.

The following stormwater outfalls discharge to Robinson Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Stormwater Outfall
003	Y	Stormwater Outfall

The proposed effluent limits for the previously listed outfalls for all weather conditions are as follows:

<i>(All Weather Conditions)</i> <i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	6.0			9.0
Total Iron (mg/l)		1.5	3.0	3.7
Total Manganese (mg/l)		1.0	2.0	2.5
Total Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Sulfate (mg/l)			Report	

The following stormwater outfall discharges to Scotts Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	N	Stormwater Outfall

The proposed effluent limits for the previously listed outfall for all weather conditions are as follows:

<i>(All Weather Conditions)</i> <i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	6.0			9.0
Total Iron (mg/l)		1.5	3.0	3.7
Total Manganese (mg/l)		1.0	2.0	2.5
Total Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Sulfate (mg/l)			Report	

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.

NPDES Permit No. PA0226190. Leo's 848 Products, LLC, P.O. Box 277, Lake Como, PA 18437, NPDES Permit on Small Noncoal Surface Mine Permit No. 64212801 in Buckingham Township, **Wayne County**, affecting 6 acres. Receiving stream: unnamed tributary to the Delaware River Watershed and classified for the following uses: HQ—cold water and migratory fishes. No discharge is proposed for the NPDES permit. Non-Discharging Best Management Practices will be in effect. Application received: June 9, 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)).

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E1704221-002. City of DuBois, 16 West Scribner Ave., P.O. Box 408, DuBois, PA 15801. Wastewater Treatment Plant upgrades at 96 Guy Ave. in Sandy Township,

Clearfield County, ACOE Pittsburgh District (Falls Creek, PA Quadrangle, Latitude: 41° 7' 46.5" N; Longitude: 78° 46' 36.3" W).

The applicant is proposing to construct a new wastewater treatment plant to replace the existing facility so they may provide reliable and efficient treatment of wastewater. The existing treatment plant effluent discharges to Sandy Lick Creek (TSF, MF) and is authorized by NPDES permit No. PA0027375. The project involves construction of an influent pump station, septage receiving, screening, grit removal, four sequence batch reactors, tertiary filtration, UV disinfection aerobic digestion, and sludge dewatering. Effluent from the new plant will continue to be discharged to Sandy Lick Creek. As proposed, the project will permanently impact 1.16 acres of primarily palustrine scrub-shrub wetlands. To offset these impacts, the applicant is proposing to construct 2.18 acres of new wetland on the property. No threatened or endangered species are known to exist within the project area and the wetlands are not classified as exceptional value.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000, Dana Drake.

E0205221-009, SL Imperial Business Park, LLC, 195 Morristown Road, Basking Ridge, NJ 07920, North Fayette Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Place and maintain fill within four (4) separate wetlands as follow: WL # 7A (PEM)—2,295 square feet (sf), WL # 8 (PEM/PSS)—1,622 sf, WL # 9A (PEM)—95 sf, and WL # 10A (PEM)—3,644 sf, totaling 7,656 square feet of permanent impact.

2. Temporary impact to wetlands includes a total of 1,204 square feet.

3. Place and maintain fill in approximately 355 linear feet of UNT to North Branch of Robinson Run (WWF). In addition, fill will be placed in 3,780 square feet of the associated floodway.

For the purpose of constructing an 88,426 square foot office/warehouse building and related parking areas and utilities. A 9,000 square foot mitigation area will be constructed, off site, to compensate for the wetland impacts.

The project site is located on the west side of Interstate Drive, approximately 1,050 feet south of the intersection of Interstate Drive and Bateman Road, (Oakdale, PA USGS topographic quadrangle; N: 40°, 25', 54.92"; W: -80°, 14', 2.04"; Sub-basin 20F; USACE Pittsburgh District), in North Fayette Township, Allegheny County.

E1105121-004, PennDOT District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648, Adams and Richland Townships, **Cambria County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Remove the existing 40' long, 24" corrugated metal pipe carrying Brewer Road (T-358) over a UNT to Clapboard Run (identified as UNTLCR02; WWF), and having a drainage area less than 100 acres; construct and maintain a replacement 55' long 30" CMP in the same location.

2. Upstream from the first culvert, remove 11' of the existing 153' long 24" reinforced concrete pipe enclosure carrying the same UNT (UNTLCR02) and extend the pipe by 11' downstream and 35' upstream for a total enclosure length of 186'.

3. Upstream from this pipe place and maintain fill in 56' of this same UNT and construct and maintain a 15' long relocated replacement channel to align with the new culvert inlet.

4. Remove the existing 50' long 18" reinforced concrete pipe carrying SR 3024 over a UNT to UNTLCR02 (identified as UNTLCR02A; WWF) having drainage area less than 100 acres. This UNT currently enters the culvert via drop box along SR 3024; this drop box will also be removed. Construct and maintain a new drop box and a 70' long 18" RCP in the same location.

5. Remove the existing 12" reinforced concrete pipe carrying a UNT to South Fork Little Conemaugh River (identified as UNTLCR01; CWF) having drainage area less than 100 acres; construct and maintain a replacement 5' long 24" corrugated metal pipe and new drop box upstream of the existing pipe location.

6. Upstream of this structure, remove the existing 154' long 15" corrugated plastic pipe carrying this same UNT including a drop box; construct and maintain a replacement drop box and a 154' long 24" corrugated metal pipe in the same location including an additional drop box.

7. Construct and maintain an underdrain, having a permanent impact of 0.008 acre to the floodway of UNT to Clapboard Run (UNTLCR02; WWF),

8. In addition, construct and maintain roadway associated stormwater features and place and maintain fill in a de minimis 0.009 acre of PEM/PSS wetlands. No wetland mitigation is required; stream mitigation will occur on-site.

For the purpose of reconstructing an intersection, at SR 3024, SR 3026, SR 3033, and T-320. This is an amendment to previously issued permit number E11-356.

The project site is located at the five-way intersection of Frankstown Road, Solomon Run Road, Ragers Hill Road, Mount Hope Road, and Clapboard Run Road (Geistown, PA USGS topographic quadrangle; N: 40°, 20', 26.17"; W: -78°, 48', 56.62"; Sub-basin 18E; USACE Pittsburgh District), in Adams and Richland Townships, Cambria County.

E5605121-002, PennDOT District 9-0, 1620 N. Juniata St, Hollidaysburg, PA 16648, Elk Lick Township, **Somerset County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Place and maintain fill, having a permanent impact of 0.17 acre, and temporary impact of 0.26 acre to a PEM wetland,

2. Remove an existing 46' long, 24" reinforced concrete pipe (RCP), inlet, and 22' long corrugated metal pipe (CMP), and construct and maintain a replacement 72' long, 30" reinforced concrete pipe (RCP), headwall, and 23.5 LF rock lined outfall channel, having a permanent impact of 114 LF and temporary impact of 168 LF to an unnamed tributary (UNT) to Casselman River (WWF) (UNT-1),

3. Construct and maintain an 18" RCP outfall, and 12.5' long rock apron, having a permanent impact of 10 LF to Casselman River (WWF),

4. Remove an existing 46' long, 18" RCP, headwall and inlet, and construct and maintain a replacement 50' long, 30" RCP, inlet, headwall and rock apron, having a permanent impact of 78 LF, and temporary impact of 86 LF to UNT to Casselman River (WWF) (UNT-2),

5. Construct and maintain an 18" plastic pipe outfall, and 12.5' long rock apron, having a permanent impact of 83 LF to UNT to Casselman River (WWF) (UNT-1),

6. Place fill in the floodway of Casselman River, having a permanent impact of 0.55 acre, and temporary impact of 0.67 acre to the floodway of Casselman River (WWF),

For the purpose of roadway improvements along SR 0219-035, sections 0020, 0070, and 0080.

The project site is located along Mason Dixon Highway, in Boynton, PA between the intersections of School Street and Engles Mill Road. (Avilton and Meyersdale, PA USGS topographic quadrangle; N: 39°, 46', 3.2395"; W: 79°, 3', 39.6373"; Sub-basin 19F; USACE Pittsburgh District), in Elk Lick Township, Somerset County.

Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

E4306221-002, Mercer County Bridge Department, 104 Mortensen Road, Greenville, PA 16125, East High Street/Kelly Road Bridges (T-388), in City of Hermitage and Sharpsville Borough, **Mercer County**, ACOE Pittsburgh District (Sharpsville, PA Quadrangle N: 41°, 16', 3.86"; W: 80°, 28', 13.31").

To remove the existing single-span truss structure and the existing two-span steel girder bridge and to construct and maintain a single-span steel multi-girder bridge having a normal clear span of 192.0-ft, an underclearance of 19.35-ft, and an out-to-out width of 31.69-ft over the Shenango River in the City of Hermitage and Sharpsville Borough, Mercer County, resulting in 184-LF of temporary stream impacts and 60-LF of permanent stream impacts to the Shenango River. No wetland impacts are proposed.

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

E0829221-010: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Burlington Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 400' by 430' well pad impacting 511 linear feet (0.034 acre) of permanent intermittent stream impacts and 48,046 square feet (1.10 acres) of permanent floodway impacts. (Ulster, PA Quadrangle, Latitude: 41.793952°, Longitude: -76.571950°);

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 511 linear feet (0.034 acre) of permanent intermittent stream impacts and 48,046 square feet (1.10 acres) of permanent floodway impacts, all for the purpose of establishing a well pad for Marcellus well development in Burlington Township, Bradford County. The permittee will provide 1,022 linear feet of watercourse mitigation at Camp Brook Restoration (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

E0829221-011: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Smithfield Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 300' by 400' well pad impacting 78,844 square feet (1.81 acres) of permanent Palustrine Emergent Wetland impacts. (Ulster, PA Quadrangle, Latitude: 41.866259°, Longitude: -76.610060°);

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 78,844 square feet (1.81 acres) of permanent PEM wetland impacts, all for the purpose of establishing a well pad for Marcellus well development in Smithfield Township, Bradford County. The permittee will provide 3.62 acres of PEM wetland mitigation at Camp Brook Restoration (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, telephone number: 717-787-3411.

EA10-009CO. Chris Adler, 226 Brownsdale Road, Butler, PA 16002, Penn Township, **Butler County**, USACOE Pittsburgh District.

Applicant proposes to construct a dam across a tributary to Glade Run (WWF). The dam will inundate approximately 275 feet of the tributary and 0.74 acre of wetland (PEM, PSS). Applicant proposes 0.81 acre of onsite PEM/PSS wetland creation as mitigation (Butler, PA Quadrangle; Latitude: 40.7605, Longitude: -79.9448).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a, including links to Individual NPDES and WQM Permits, may be reviewed by generating the "Final Actions Report" on DEP's website at www.dep.pa.gov/CWPUBLICNOTICE.

DEP office contact information to review official files relating to the final actions in Section I is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES_Permits@pa.gov.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOS.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2821802	Joint DEP/PFBC Pesticides Permit	Issued	Shoap Kenneth 9579 Roxbury Road Lurgan, PA 17232-9703	Lurgan Township Franklin County	SCRO
2821803	Joint DEP/PFBC Pesticides Permit	Issued	Leduc David 4038 Shatzer Road Chambersburg, PA 17202	Lurgan Township Franklin County	SCRO
4113803	Joint DEP/PFBC Pesticides Permit	Issued	Williamsport City Municipal Water Authority Lycoming County 253 W 4th Street Williamsport, PA 17701-6113	Armstrong Township Lycoming County	NCRO
6121805	Joint DEP/PFBC Pesticides Permit	Issued	Margo Perry 1260 Rockland Township Road Kennerdale, PA 16374	Rockland Township Venango County	NWRO
PA0100161	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Triangle Suspension System, Inc. P.O. Box 425 DuBois, PA 15801-1015	Sandy Township Clearfield County	NCRO
PA0008541	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Johnson Controls, Inc. 631 S Richland Avenue York, PA 17403-3445	Spring Garden Township York County	SCRO
PA0083526	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	RH Sheppard Co., Inc. 101 Philadelphia Street Hanover, PA 17331-2038	Hanover Borough York County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0247359	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Novares US, LLC 12367 Mount Olivet Road Felton, PA 17322-8449	Winterstown Borough York County	SCRO
PA0020435	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Aqua PA Wastewater, Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3489	White Haven Borough Luzerne County	NERO
PA0036269	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Stewartstown Borough Authority York County 6 North Main Street Stewartstown, PA 17363-4132	Stewartstown Borough York County	SCRO
PA0039748	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	US ACOE 7 Points Recreation Area 6145 Seven Points Road Hesston, PA 16647-8303	Penn Township Huntingdon County	SCRO
PA0209147	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Centre Hall Potter Sewer Authority 2940 Penns Valley Pike Centre Hall, PA 16828-8404	Potter Township Centre County	NCRO
PA0209236	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Tioga Borough Tioga County P.O. Box 158 Tioga, PA 16946-0158	Tioga Township Tioga County	NCRO
PA0253171	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Mt Pleasant Township Municipal Authority Westmoreland County P.O. Box 137 208 Poker Road Mammoth, PA 15664-0137	Mount Pleasant Township Westmoreland County	SWRO
NOEXNC170	No Exposure Certification	Issued	Resilite Sports Products, Inc. 200 Point Township Drive Northumberland, PA 17857-8701	Northumberland Borough Northumberland County	NCRO
NOEXNE035	No Exposure Certification	Issued	Ashley Furniture Inc., LLC 1 Ashley Way Arcadia, WI 54612-1218	Pottsville City Schuylkill County	NERO
PAG036302	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service, LLC P.O. Box 80842 Attn: NA Environmental Dept Seattle, WA 98108-0842	Findlay Township Allegheny County	SWRO
PAR804887	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Opportunity Place, LLC 381 Yeager Road Howard, PA 16841-1813	Beech Creek Township Clinton County	NCRO
PAG043921	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Eaves Matthew 7960 Spring Road New Bloomfield, PA 17068-8239	Centre Township Perry County	SCRO
PAG044961	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Jeremy & Lamanda Pritts 986 Shiloh Road Woodland, PA 16881-8234	Bradford Township Clearfield County	NCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG123539	PAG-12 NPDES General Permit for CAFOs	Issued	Martin Eldwin 12950 Forge Road Mercersburg, PA 17236-9415	Warren Township Franklin County	SCRO
PAG123551	PAG-12 NPDES General Permit for CAFOs	Issued	Weiler Farm Partnership 350 E Mill Avenue Myerstown, PA 17067-2404	South Londonderry Township Lebanon County	SCRO
PAG123604	PAG-12 NPDES General Permit for CAFOs	Issued	Gochenaur Scott 3057 Harvest Road Elizabethtown, PA 17022-8422	Mount Joy Township Lancaster County	SCRO
PAG123630	PAG-12 NPDES General Permit for CAFOs	Issued	Charles James H 3241 Blue Rock Road Lancaster, PA 17603-9773	Manor Township Lancaster County	SCRO
PAG123709	PAG-12 NPDES General Permit for CAFOs	Issued	Hoover Philip 2862 Harvest Road Elizabethtown, PA 17022-9676	Mount Joy Township Lancaster County	SCRO
PAG123724	PAG-12 NPDES General Permit for CAFOs	Issued	Haller Ken 225 S Carpenter Street Newmanstown, PA 17073-8969	Heidelberg Township Lebanon County	SCRO
PAG123840	PAG-12 NPDES General Permit for CAFOs	Issued	Bellaire Farms, LLC 225 Oberholtzer Road Elizabethtown, PA 17022-9585	Mount Joy Borough Lancaster County	SCRO
PAG123851	PAG-12 NPDES General Permit for CAFOs	Issued	Bence Tanner D 953 Valley Road Schellsburg, PA 15559-8753	Napier Township Bedford County	SCRO
4520401	Sewage Land Application Individual WQM Permit	Issued	Pocono Mobile Home Estates P.O. Box 369 Stroudsburg, PA 18360-0369	Middle Smithfield Township Monroe County	NERO
1716402	Sewage Treatment Facilities Individual WQM Permit	Issued	Jeremy & Lamanda Pritts 986 Shiloh Road Woodland, PA 16881-8234	Bradford Township Clearfield County	NCRO
3604414	Sewage Treatment Facilities Individual WQM Permit	Issued	Northwestern Lancaster County Authority 97 N Penryn Road Manheim, PA 17545-9326	Penn Township Lancaster County	SCRO
3617408	Sewage Treatment Facilities Individual WQM Permit	Issued	Weaverland Valley Authority 4610 Division Highway East Earl, PA 17519-9200	East Earl Township Lancaster County	SCRO
4321405	Sewage Treatment Facilities Individual WQM Permit	Issued	Jake Serbic & Marie Clark 2435 Carlisle Road Transfer, PA 16154-8559	South Pymatuning Township Mercer County	NWRO
5012403	Sewage Treatment Facilities Individual WQM Permit	Issued	Eaves Matthew 7960 Spring Road New Bloomfield, PA 17068-8239	Centre Township Perry County	SCRO
6103403	Sewage Treatment Facilities Individual WQM Permit	Issued	Frenchcreek Township Venango County 4507 Georgetown Road Franklin, PA 16323-4733	Polk Borough Venango County	NWRO
6321400	Sewage Treatment Facilities Individual WQM Permit	Issued	Consol PA Coal Co., LLC 1000 Consol Energy Drive Canonsburg, PA 15317-6506	South Franklin Township Washington County	SWRO
6421401	Sewage Treatment Facilities Individual WQM Permit	Issued	Haines Nancy 377 Neville Road SR 3007 Moscow, PA 18444	Salem Township Wayne County	NERO
5121401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Philadelphia Water Department 1101 Market Street 4th Floor Philadelphia, PA 19107-2934	Philadelphia City Philadelphia County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0219428	Single Residence STP Individual NPDES Permit	Issued	Vankirk David R 7669 Big Beaver Boulevard Wampum, PA 16157-2719	Big Beaver Borough Beaver County	SWRO
PA0254941	Single Residence STP Individual NPDES Permit	Issued	Crowe John P 306 Konter Road Coraopolis, PA 15108-9213	Moon Township Allegheny County	SWRO
PA0255891	Single Residence STP Individual NPDES Permit	Issued	Consol PA Coal Co., LLC 1000 Consol Energy Drive Canonsburg, PA 15317-6506	South Franklin Township Washington County	SWRO
PA0273015	Single Residence STP Individual NPDES Permit	Issued	Collingwood Rebecca 51 W Methodist Road Greenville, PA 16125-9712	Hempfield Township Mercer County	NWRO
PA0289361	Single Residence STP Individual NPDES Permit	Issued	Jake Serbic & Marie Clark 2435 Carlisle Road Transfer, PA 16154-8559	South Pymatuning Township Mercer County	NWRO
WQG02212102	WQG-02 WQM General Permit	Issued	South Middleton Township Municipal Authority Cumberland County P.O. Box 8 345 Lear Lane Boiling Springs, PA 17007-0008	South Middleton Township Cumberland County	SCRO
WQG02252101	WQG-02 WQM General Permit	Issued	Middleboro Municipal Authority Erie County P.O. Box 189 McKean, PA 16426-0189	McKean Borough 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 & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510178	PAG-02 General Permit	Issued	Fitler Estates, LLC 1901 Lombard Street Philadelphia, PA 19146	City of Philadelphia Philadelphia County	SERO
PAC510179	PAG-02 General Permit	Issued	SDG 3449 Scotts Lane, LLC 1835 Market Street Suite 625 Philadelphia PA 19103	City of Philadelphia Philadelphia County	SERO
PAC150209	PAG-02 General Permit	Issued	Fair Share Properties, LP 655 Swedesford Road Malvern, PA 19355	Westtown Township Chester County	SERO
PAC150263	PAG-02 General Permit	Issued	Huntrise Builders, LLC 330 Kennett Pike Suite 207 Chadds Ford, PA 19317	Westtown Township Chester County	SERO
PAC090482	PAG-02 General Permit	Issued	Rohm & Haas Chemical, LLC 200 Route 413 Bristol, PA 19007-3606	Bristol Township Bucks County	SERO
PAC090437	PAG-02 General Permit	Issued	Lincoln Storage, LLC 3323 NE 163 Street Suite 506 North Miami Beach, FL 33160	Falls Township Bucks County	SERO
PAC090418	PAG-02 General Permit	Issued	Michael Lauiha 5000 Township Line Road Plumsteadville, PA 18949-0094	Plumstead Township Bucks County	SERO
PAC090439	PAG-02 General Permit	Issued	JERC Partners LXX, LLC 2 South Commerce Way Bethlehem, PA 18017	Bristol Borough Bucks County	SERO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090477	PAG-02 General Permit	Issued	Delaware River Joint Toll Bridge Commission Administration Building 110 Wood & Grove Streets Morrisville, PA 15212	Lower Makefield Township Bucks County	SERO
PAC400210	PAG-02 General Permit	Issued	Sheetz, Inc. Steven Lyncha 5700 Sixth Avenue Altoona, PA 16602	Wilkes-Barre City Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400113A-1	PAG-02 General Permit	Issued	1062 Baltimore Drive Stephen Maakestad 100 Baltimore Drive Wilkes-Barre, PA 18702	Hanover Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAD210063	Individual NPDES	Issued	SAVCO, LLC 3552 Gettysburg Road Suite 101 Camp Hill, PA 17011	South Middleton Township Cumberland County	SCRO
PAC210251	PAG-02 General Permit	Issued	Cinco Guys, LLC 336 North 26th Street Camp Hill, PA 17011	East Pennsboro Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210259	PAG-02 General Permit	Issued	Michael L. Weaver 170 Fish Hatchery Road Newville, PA 17241	North Newton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC500033	PAG-02 General Permit	Issued	Joshua J. Bell 200 Landisburg Road Shermans Dale, PA 17090	Carroll Township Perry County	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717.582.8988, ext. 4
PAC500039	PAG-02 General Permit	Issued	Omar P. Stoltzfus & Shannon A. Dyer 587 Shermans Valley Road New Bloomfield, PA 17068	Centre Township Perry County	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717.582.8988, ext. 4
PAC670493	PAG-02 General Permit	Issued	Matthew Shorb 1863 Grantley Road York, PA 17403	Spring Garden Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670493 A-1	PAG-02 General Permit	Issued	Matthew Shorb 1863 Grantley Road York, PA 17403	Spring Garden Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAD080054 A-1	Individual Permit	Issued	Matt Cook Leatherstocking Gas Co., Inc. Wyalusing Township and Borough Wyalusing, PA 18853	Wyalusing Township Wyalusing Borough Bradford County	Bradford County Conservation District 200 Lake Road Suite E Towanda, PA 18848
PAC020263 A-1	PAG-02 General Permit	Issued	Mero South Park Ventures, LLC 3895 Stoneridge Lane Dublin, OH 43017	Robinson Township Collier Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8010
PAC110078	PAG-02 General Permit	Issued	M & M Development P.O. Box 1567 Beaver Falls, PA 15010	Gallitzin Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 814-472-2120
PAC630214	PAG-02 General Permit	Issued	Cecil Township Municipal Authority 375 Southpointe Boulevard Canonsburg, PA 15317	Cecil Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAD630058	Individual NPDES	Issued	Mon River Industrial Group, LLC 1 Wheeling Pittsburgh Drive Allenport, PA 15412	Allenport Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC100240	PAG-02 General Permit	Issued	Jeffrey Lutz P.O. Box 109 Callery, PA 16024	Callery Borough Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC430061	PAG-02 General Permit	Issued	PTV 1187, LLC 400 Penn Center Boulevard Building 4 Suite 1000 Pittsburgh, PA 15235	Hermitage City Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC750002	PAG-02 General Permit	Issued	Bell Resources, Inc. 1340 Hoyt Road Curwensville, PA 16833	Bloom Township Clearfield County	Moshannon District Mining Office 186 Enterprise Drive Philipsburg, PA 16866 814.342.8200

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).

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0720507, Public Water Supply.

Applicant	Greenfield Township Municipal Authority
Municipality	Greenfield Township
County	Blair
Responsible Official	Jonathan Furry Chairman 1342 Bedford Street P.O. Box 372 Claysburg, PA 16625
Type of Facility	New well, disinfection, and 4-log treatment of viruses
Consulting Engineer	John C. Clabaugh, P.E. Stiffler, McGraw and Associates, Inc. 1731 N Juniata Street Hollidaysburg, PA 16648
Permit to Construct Issued	July 23, 2021

Permit No. 0621506, Public Water Supply.

Applicant	Giorgi Mushroom Company
Municipality	Maidencreek Township

County	Berks
Responsible Official	Mike Vallonio Farm Manager 1161 Park Road (rear) Reading, PA 19510
Type of Facility	Installation of nitrate removal treatment.
Consulting Engineer	James P. Cinelli, P.E. Liberty Environmental, Inc. 505 Penn Street Reading, PA 19601
Permit to Construct Issued	August 2, 2021
Permit No. 2221510 MA, Minor Amendment , Public Water Supply.	
Applicant	Borough of Middletown
Municipality	Middletown Borough
County	Dauphin
Responsible Official	Jonathan Prince Secretary 461 From Road Suite 400 Paramus, NJ 07652
Type of Facility	Repainting of the High Street finished water storage tank.
Consulting Engineer	Brendan West, P.E. Suez Water Pennsylvania, Inc. 6310 Allentown Blvd Harrisburg, PA 17112
Permit to Construct Issued	July 29, 2021
Permit No. 4421501 MA, Minor Amendment , Public Water Supply.	
Applicant	Municipal Authority of the Borough of Lewistown
Municipality	Armagh Township
County	Mifflin
Responsible Official	Craig Bubb Superintendent 70 Chestnut Street Lewistown, PA 17004-2216
Type of Facility	Change in fluoride application from powder to liquid solution.
Consulting Engineer	Patrick J. Ward, P.E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit to Construct Issued	July 22, 2021
Permit No. 0621508 , Public Water Supply.	
Applicant	Giorgi Mushroom Farm 1 Plant 2
Municipality	Maidencreek Township
County	Berks
Responsible Official	Mike Vallonio Farm Manager 1161 Park Road (rear) Reading, PA 19510

Type of Facility Installation of nitrate treatment, iron/manganese removal, softening, and ultraviolet disinfection.

Consulting Engineer James P. Cinelli, P.E.
Liberty Environmental, Inc.
10 North 5th Street
Reading, PA 19601

Permit to Construct Issued July 26, 2021

Permit No. 0621509, Public Water Supply.

Applicant **Giorgi Mushroom Farm 1 Plant 2**

Municipality Maiden creek Township

County **Berks**

Responsible Official Mike Vallonio
Farm Manager
1161 Park Road (rear)
Reading, PA 19510

Type of Facility Installation of nitrate treatment, iron/manganese removal, softening, and ultraviolet disinfection.

Consulting Engineer James P. Cinelli, P.E.
Liberty Environmental, Inc.
10 North 5th Street
Reading, PA 19601

Permit to Construct Issued August 2, 2021

Permit No. 3620549, Public Water Supply.

Applicant **Central Manor Church of God**

Municipality Manor Township

County **Lancaster**

Responsible Official Matthew A. Kautz
Building & Grounds Chairperson
387 Penn Street
Washington Borough, PA 17582

Type of Facility Water softener and nitrate removal system

Consulting Engineer Charles A. Kehew II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
York, PA 17401

Permit to Construct Issued May 11, 2021

Permit No. 0621515, Public Water Supply.

Applicant **Tiki Bar, Inc.**

Municipality Earl Township

County **Berks**

Responsible Official James J. Finegan
Owner
1150 Manatawny Road
Boyertown, PA 19512

Type of Facility Construction permit for proposed sediment filtration and 4-log treatment of viruses

Consulting Engineer Jeremy S. Madaras, P.E.
J.S. Madaras Consulting, LLC
250 Indian Lane
Boyertown, PA 19512

Permit to Construct Issued August 16, 2021

Operation Permit No. 6718506 issued to: **Wrightsville Borough Municipal Authority (PWS ID No. 7670097)**, Wrightsville Borough, **York County** on July 27, 2021, for facilities approved under Construction Permit No. 6718506.

Operation Permit No. 0716503 issued to: **Borough of Tyrone (PWS ID No. 4070021)**, Tyrone Borough, **Blair County** on July 6, 2021, for facilities approved under Construction Permit No. 0716503.

Operation Permit No. 2818505 issued to: **Borough of Chambersburg (PWS ID No. 7280005)**, Greene Township, **Franklin County** on July 15, 2021, for facilities approved under Construction Permit No. 2818505.

Operation Permit No. 2118513 issued to: **Pennsylvania American Water Company (PWS ID No. 7210029)**, Silver Spring Township, **Cumberland County** on July 30, 2021, for facilities approved under Construction Permit No. 2118513.

Operation Permit No. 3619512 MA issued to: **Solanco School District (PWS ID No. 7360521)**, Fulton Township, **Lancaster County** on July 29, 2021, for facilities at Swift Middle School approved under Construction Permit No. 3619512 MA.

Operation Permit No. 2121505 MA issued to: **PA American Water (PWS ID No. 7210029)**, Silver Spring Township, **Cumberland County** on August 11, 2021, for facilities approved under Construction Permit No. 2121505 MA.

Operation Permit No. 4421503 MA issued to: **The Municipal Authority of the Borough of Lewistown (PWS ID No. 4440010)**, Lewistown Borough, **Mifflin County** on July 20, 2021, for facilities submitted under Application No. 4421503 MA.

Operation Permit No. 6721504 issued to: **Exelon Generation Co., LLC (PWS ID No. 7670905)**, Peach Bottom Township, **York County** on August 4, 2021, for facilities at Peach Bottom Atomic Power Station approved under Construction Permit No. 6721504.

Operation Permit No. 5021504 issued to: **Bloomfield Borough Water Authority (PWS ID No. 7500012)**, Bloomfield Borough, **Perry County** on August 4, 2021, for facilities submitted under Application No. 5021504.

Operation Permit No. 3820508 issued to: **H4 Homes LLC (PWS ID No. 7380051)**, East Hanover Township, **Lebanon County** on August 11, 2021, for facilities at O' Yes Apartments approved under Construction Permit No. 3820508.

Comprehensive Operation Permit No. 7360613 issued to: **Central Manor Church of God (PWS ID No. 7360613)**, Manor Township, **Lancaster County** on August 4, 2021, for the operation of facilities approved under Construction Permit No. 7360613.

Transferred Comprehensive Operation Permit No. 7360511 issued to: **Hilltop Acres Farm Market LLC (PWS ID No. 7360511)**, Rapho Township, **Lancaster County** on August 16, 2021. Action is for a Change in Ownership for the operation of facilities previously issued to Hilltop Acres Farm Market LLC.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 1421508MA, Major Amendment. Public Water Supply.

Applicant	Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Borough or Township	Boggs Township
County	Centre County
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Ewoud Hulstein Pennsylvania-American Water Company Mechanicsburg, PA 17055
Permit Issued	August 12, 2021

Permit No. 5921501, Major Amendment. Public Water Supply.

Applicant	Blossburg Municipal Authority 241 Main Street Blossburg, PA 16912
Borough or Township	Hamilton Township
County	Tioga County
Type of Facility	Public Water Supply
Consulting Engineer	William S. Bray, P.E. 373 W. Branch Rd Wellsboro, PA 16901
Permit Issued	August 10, 2021

Operations Permit issued to: **Danville Municipal Authority**, 42 West Market Street, P.O. Box 179, Danville, PA 17821, **PWSID No. 4470007**, Danville Borough, **Montour County** on August 11, 2021 for the operation of facilities approved under construction permit # 4720501. This partial operation permit authorizes the authority to operate filter # 4 and replace the filter media, to rehabilitate or repair the underdrain, install air-scour system, demolish existing surface wash system, replace backwash water pump & motors, install VFD drives to control the backwash pumps, replace miscellaneous process valves and analytical instruments in all other filters.

Operations Permit issued to: **Danville Municipal Authority**, 42 West Market Street, P.O. Box 179, Danville, PA 17821, **PWSID No. 4470007**, Danville Borough, **Montour County** on August 11, 2021 for the operation of facilities approved under construction permit # 4720501. This partial operation permit authorizes the authority to operate filter # 1 and replace the filter media, to rehabilitate or repair the underdrain, install air-scour system, demolish existing surface wash system, replace backwash water pump & motors, install VFD drives to control the backwash pumps, replace miscellaneous process valves and analytical instruments of all other filters.

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 2621502, Major Amendment. Public Water Supply.

Applicant	Indian Creek Valley Water Authority 2019 Indian Head Road Indian Head, PA 15446
Borough or Township	Saltlick Township
County	Fayette
Type of Facility	Modifications to Pritts Spring Slow Sand Filtration Plant
Consulting Engineer	Bankson Engineers, Inc. Suite 200 267 Blue Run Road Cheswick, PA 15024
Permit Issued	August 3, 2021

Permit No. 0221517, Major Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Borough or Township	North Strabane Township
County	Washington
Type of Facility	Replacement of the Christy booster station
Consulting Engineer	Pennsylvania American Water Company 300 Galley Road McMurray, PA 15317
Permit Issued	July 22, 2021

Permit No. 0221516, Major Amendment. Public Water Supply.

Applicant	West View Water Authority 210 Perry Highway Pittsburgh, PA 15229
Borough or Township	Wexford, McKees Rocks, Bellevue, Kennedy and McCandless Townships
County	Allegheny
Type of Facility	Installation of mixing systems in 10 water storage tanks
Consulting Engineer	Utility Service Co., Inc. 1230 Peachtree Street NE Suite 1100 Promenade, GA 30309
Permit Issued	July 28, 2021

Permit No. 5621501, Major Amendment. Public Water Supply.

Applicant	Municipal Authority of the Borough of Somerset 347 West Union Street P.O. Box 71 Somerset, PA 15501
Borough or Township	Somerset Borough
County	Somerset

Type of Facility Installation of waterline, demolition of the Laurel Hill Filtration Plant, construction of a 1.0 MG tank and improvements to the Shaffer Run chemical building.

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Permit Issued July 28, 2021

Permit No. 0221512, Major Amendment. Public Water Supply.

Applicant **Hampton Shaler Water Authority**
3101 McCully Road
Allison Park, PA 15101

Borough or Township Shaler Township, Etna Borough

County **Allegheny**

Type of Facility Construction of replacement Wells # 1 & # 2

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit Issued August 9, 2021

Permit No. 0221504, Major Amendment. Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
1200 Penn Avenue
Pittsburgh, PA 15222

Borough or Township City of Pittsburgh

County **Allegheny**

Type of Facility Installation of pre-filter & post-filter sodium hypochlorite system at the Aspinwall WTP

Consulting Engineer Arcadis
6041 Wallace Road
Extension # 300
Wexford, PA 15090

Permit Issued July 14, 2021

Permit No. 0221514MA, Minor Amendment. Public Water Supply.

Applicant **West View Water Authority**
210 Perry Highway
Pittsburgh, PA 15229

Borough or Township Marshall Township

County **Allegheny**

Type of Facility Installation of waterline.

Consulting Engineer TetraTech, Inc.
661 Andersen Drive
Pittsburgh, PA 15220

Permit Issued July 22, 2021

Permit No. 5621502MA, Minor Amendment. Public Water Supply.

Applicant **Confluence Borough Municipal Authority**
711 Logan Place
Confluence, PA 15424

Borough or Township Confluence Borough

County **Somerset**

Type of Facility Cleaning of Wells # 1 & # 2

Consulting Engineer Casselberry & Associates
121 Swallowtail Lane
Boalsburg, PA 16827

Permit Issued August 10, 2021

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, **PWSID No. 5020038**, City of Pittsburgh, **Allegheny County** on August 16, 2021, for the temporary use approved under permit # 0221526-E for liquid sodium permanganate as a replacement for the current pre-oxidant.

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, **PWSID No. 5020038**, City of Pittsburgh, **Allegheny County** on August 12, 2021, for the operation of facilities approved under construction permit # 0221534MA for the Bedford Tank booster station's peristaltic pump.

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.

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

WA56-1012, Water Allocations. Hooversville Borough, 50 Main Street, P.O. Box 176, Hooversville, PA 15936, **Somerset County**. The right to purchase 35,000 gallons of water per day from the Somerset County General Authority.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

Township	Township Address	County
Antis Township	909 North Second Street Bellwood, PA 16617	Blair

Plan Description:

Approval of a revision to the official plan of Antis Township, Blair County. The project is known as Matthew Snook Property SFTF. The plan provides for the installation of a small flow treatment facility with a discharge on the property into Bells Gap Run, to replace a failing on-lot sewage disposal system for a single-family dwelling on a 1.28-acre lot. The property is located at 2743 Grandview 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 A3-07906-330-3s and the APS Id is 1040553. Any permits must be obtained in the name of the property owner.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL**Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Halifax Township	P.O. Box 405 Halifax, PA 17032	Dauphin County

Plan Description:

The request for planning exception for the Bowman Subdivision (DEP Code No. A3-22917-210-1; APS ID No. 1045208) has been disapproved. The proposed development—located at 227 A. Parmer Drive in Halifax Township, PA—consists of sewage planning for one new residential building lot utilizing an on-lot disposal system with total project flows of 400 gallons per day. This request for planning exception has been disapproved because the submission requires a preliminary hydrogeologic study as per the requirements of Chapter 71, Section 71.62(c)(2) in that the proposed project area is within 1/4 mile of water supplies documented to exceed 5 PPM nitrate-nitrogen.

**HAZARDOUS SITES CLEAN-UP
UNDER THE ACT OF
OCTOBER 18, 1988**

**PUBLIC NOTICE OF PROPOSED SETTLEMENT
AGREEMENT**

**Metal Bank Superfund Site, Cottman & Delaware
Ave, Philadelphia, PA 19135, City of Philadelphia,
Philadelphia County**

As previously noticed in the *Northeast Times* on March 31, 2021, and in the *Pennsylvania Bulletin* on April 3, 2021, the Department of Environmental Protection (Department), under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C.A. §§ 9601–9675) (CERCLA) and the Hazardous Sites Cleanup Act, as amended (35 P.S. §§ 6020.101–6020.1305) (HSCA), has entered into a Settlement Agreement, along with other Federal and Commonwealth trustees, with certain Settling Defendants, to compensate the Commonwealth and the United States by means of settlement of the natural resource damages claim for injury to, impairment of, destruction of, loss of, diminution of value of, and/or loss of use of natural resources, including the reasonable costs of assessing the injuries, resulting from hazardous substances released at the Metal Bank Superfund Site (site)

Due to an administrative oversight, the previous notice provided a link to an incorrect version of the Settlement Agreement. The correct version of the Settlement Agreement contains slightly different language in Paragraphs 2 (in the definition of “Natural Resource Damage Restoration Projects,” which term in the correct version is “Natural Resource Restoration Projects”), 3.b, and 4 to make it clear that the Natural Resource Restoration Projects funded by the Settlement Agreement may be spent on any project to restore, replace, or acquire the equivalent of the Natural Resources that have been injured as a result of releases of hazardous substances at the site.

To address this oversight, the Department will provide an additional 60-day period for public comment on the slightly different language in Paragraphs 2, 3.b, and 4, commencing with the date of this publication. Written comments may be submitted by mail to Timothy Cherry, Solid Waste Supervisor, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401 or by email to tcherry@pa.gov. Further information or a copy of the Settlement Agreement can be obtained by contacting Mr. Cherry at tcherry@pa.gov or (484) 250-5728 or Brian Glass, Assistant Counsel, Office of Chief Counsel at briaglass@pa.gov or (484) 250-5870.

The Department has reserved the right to withdraw its approval of the Settlement Agreement in its reasonable discretion if comments submitted during the public comment period disclose facts or considerations which indicate that this Settlement Agreement is inappropriate, improper, inadequate, or not in the public interest.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995
PREAMBLE 2**

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101–6026.908).

Provisions of Sections 301–308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301–6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act’s remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Sunoco Fullerton Terminal # 0358-1501, 2480 Main Street, Whitehall, PA 18052, Whitehall Township, **Lehigh County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Sunoco Partners Marketing & Terminals, LP, 3807 West Chester Pike, Newtown Square, PA 19073, submitted a combined Remedial Investigation Report, Cleanup Plan, and Final Report concerning remediation of site soils contaminated with petroleum. The report is intended to document remediation of the site to meet a combination of site-specific and Statewide health standards.

Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.

Former Harner Farm Property, 2191 West Whitehall Road, State College, PA 16801, Ferguson Township, **Centre County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406, on behalf of Aspen Whitehall Partners, LLC and Aspen Route 26 Partners, LLC, 116 Union Avenue, Altoona, PA 16602, has resubmitted a Remedial Investigation/Risk Assessment Report concerning remediation of site soil contaminated with Arsenic. The report is intended to document remediation of the site to meet the site-specific standard.

Benton Loop Spill Site, Bradley Road, Benton, PA 17774, Jordan Township, **Lycoming County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Transcontinental Gas Pipe Line Company, LLC, 2000 Commerce Drive, Park Place 2, Pittsburgh, PA 15275, has submitted a Final Report concerning remediation of site soil contaminated with engine oil. The report is intended to document remediation of the site to meet the residential Statewide health standard.

Water Works Transport Brine Spill Cleanup, 1022 Hoagland Run Road, Cogan Station, PA 17728, Lycoming Township, **Lycoming County**. Weaver Consultants Group, LLC, 2225 Sycamore Street, Harrisburg, PA 17110, on behalf of Water Works Transport, LLC, 831 Fogelman Road, Muncy, PA 17756, has submitted a Remedial Investigation Report/Risk Assessment Report concerning remediation of site soil and groundwater contaminated with produced water. The report is intended to document remediation of the site to meet the Background, Statewide Health, and site-specific standards.

Harer 713 Beneficial Reuse Unit, 957 Bogar Run Road, Roaring Branch, PA 17765, Liberty Township, **Tioga County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16336, on behalf of Rockdale Marcellus, LLC, 4600 J Barry Court, Suite 220, Canonsburg, PA 15317, has submitted a Combined Soil Site Characterization and Soil Remedial Action Completion Report concerning remediation of site soil contaminated with produced water and storm water. The report is intended to document remediation of the site to meet the Background and Statewide health standards.

Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Interstate Chemical Company, 2797 Freedland Road, Hermitage, PA 16148, City of Hermitage, **Mercer Coun-**

ty. Wood Environment & Infrastructure Solutions, Inc., 437 Grant Street, Suite 918, Pittsburgh, PA 15219 on behalf of Interstate Chemical Company, Inc., 2797 Freedland Road, Hermitage, PA 16148 has submitted a Risk Assessment (Revision 3) Report concerning remediation of site soil and groundwater contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloro-1,2,2-trifluoroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 2-Butanone (MEK), 2-Hexanone, 4-Methyl-2-pentanone (MIBK), Acetone, Benzene, Carbon disulfide, Chlorobenzene, Chloroethane, Chloroform, cis-1,2-Dichloroethene, Cyclohexane, Cyclohexanone, Dichlorodifluoromethane, Ethylbenzene, Hexane, Isopropylbenzene, Methyl acetate, Methyl tert-butyl ether, Methylcyclohexane, Methylene Chloride, Styrene, Tetrachloroethene, Tetrahydrofuran, Toluene, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, Trichloroethene, Vinyl chloride, Xylenes (Total), 1-Propanol, 2-Propanol (Isopropanol), Ethyl acetate, Ethylene glycol, Furfural, Methanol, n-Butyl alcohol, Formaldehyde, Isobutyl alcohol, 1,1-Biphenyl, 2,4-Dimethylphenol, 2-Methylnaphthalene, 2-Methylphenol, 4-Chloroaniline, Acenaphthene, Acenaphthylene, Acetophenone, Aniline, Anthracene, Benzaldehyde, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzoic acid, Bis(2-ethylhexyl) phthalate, Butyl benzyl phthalate, Carbazole, Chrysene, Cresols (Total), Dibenz(a,h)anthracene, Dibenzofuran, Diethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachlorobenzene, Indeno[1,2,3-cd]pyrene, Isophorone, Methylphenol, 3 & 4, Naphthalene, Nitrobenzene, Phenanthrene, Phenol, Pyrene, PCB-1242, Arsenic, Barium, Cadmium, Chromium, Chromium (VI), Lead, Mercury, Selenium, Silver, and Distilled Ammonia. The report is intended to document remediation of the site to meet the site-specific standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to

achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania 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, Eric Supey, 570-826-2511.

Former Weatherly Steel Mill, 10 Wilbur Street, Weatherly, PA 18255, Weatherly Borough, **Carbon County**. Quad 3 Group, 37 N. Washington St., Wilkes-Barre, PA 18701, on behalf of Weatherly Borough, 61 West Main Street, Weatherly, PA 18255, submitted a combined Remedial Investigation Report and Cleanup Plan concerning remediation of soil contaminated with metals from historic use as a steel mill and railroad repair shop. The report was intended to document remediation of the site to meet site-specific standards but was disapproved by DEP on August 17, 2021.

Slatebelt Industrial Center (Former Lehigh New England Railroad Property), 991 West Pennsylvania Avenue, Pen Argyl, PA 18072, Plainfield Township and Wind Gap Borough, **Northampton County**. Geo-Technology Associates, 2405 John Fries Highway, Quakertown, PA 18951, on behalf of N.A.P.E.R. Development Corp., Inc., 991 West Pennsylvania Avenue, Pen Argyl, PA 18072, a submitted a combined Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with metals, semi-volatile organic compounds, and volatile organic compounds from historic railroad operations. The report was approved by DEP on August 11, 2021.

Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.

Principle Enterprises, LLC Project, Rain Gauge Road, New Albany, PA 18833, Overton Township, **Bradford County**. EnviroServe, Inc. 254 Reitz Avenue, Winfield, PA 17889, on behalf of Principle Enterprises, LLC, 2897 Route 414, Canton, PA 17724, has submitted a Final Report concerning site soil contaminated with produced water. The Final Report demonstrated attainment of the nonresidential Statewide health standard and was approved by the Department on August 10, 2021.

Chattanooga Labeling Systems, Inc., 2 Industrial Park Rd, Galeton, PA 16922, Galeton Borough and Pike Township, **Potter County**. J. Krupa Company, Inc., 108 Nova Road, St. Mary's, PA 15857, on behalf of Chattanooga Labeling Systems, 120 Parmenas Lane, P.O.

Box 4753, Chattanooga, TN, 37405, has submitted a Final Report concerning site soil and groundwater contaminated with fluoride and chloride. The Final Report demonstrated attainment of the nonresidential Statewide health standard and was approved by the Department on August 10, 2021.

Crown Transportation Project, Interstate 80 at MM 199E, Mifflinburg, PA 17844, West Buffalo Township, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Crown Transportation, 6 Lennon Circle, Lake Harmony, PA 18624, has submitted a Final Report concerning remediation of site soil contaminated with used motor oil and antifreeze. The Final Report demonstrated attainment of the nonresidential Statewide health standard and was approved by the Department on August 9, 2021.

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.

2601 Poplar Street, 2601 Poplar Street, Philadelphia, PA 19130, City of Philadelphia, **Philadelphia County**. Andrew Miller, Ally Services Company, 1441 Anderson Avenue, Unit B, Oreland, PA 19075 on behalf of Daniel Greenberg, 2601 Poplar O2, LLC, 1516 North 15th Street, Philadelphia, PA 19121 submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline. The Final Report demonstrated attainment of the statewide health standard and was approved by the Department on August 10, 2021.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

General Permit No. WMGR126-NE002. Independent Refining Company, LLC, 99 Stevens Lane, Exeter, PA 18643, Exeter Borough, **Luzerne County**. A permit renewal for continued coverage under General Permit WMGR126, for the processing of silver bearing films and sludges prior to further silver reclamation and plastic recycling. The permit renewal was approved by the Regional Office on August 12, 2021.

Persons interested in reviewing the general permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

General Permit No. WMR038-NE010. PA Green Rubber, LLC, 191 Clark Road, Duryea, PA 18642. Duryea Borough, **Luzerne County**. A determination of applicability for the processing of waste tires for beneficial reuse. The determination of applicability was denied by the Regional Office on August 12, 2021.

Persons interested in reviewing the denial letter may contact 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.

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.

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.

GP9-28-05035J: St. Thomas Development, Inc. (409 Stenton Avenue, Flourtown, PA 19031) on August 13, 2021, for one diesel fuel-fired internal combustion engine to power portable nonmetallic mineral processing equipment located at the St. Thomas quarry in St. Thomas Township, **Franklin County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

48-00119A: Ultra-Poly Corporation (102 Demi Road, Portland, PA 18351) issued on August 12, 2021 for the operation of extruders and shredders to reprocess recycled plastics for subsequent sale at the existing facility located in Portland Borough, **Northampton 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.

09-0243 Gelest Inc. (11 Steel Road, Morrisville, PA 19067-361313) On August 10, 2021, an extension for installation of blenders a hammermill at a new facility. Particulate matter emissions will be reduced by using dust collectors for each ribbon blender and mill, and volatile organic compound emissions will be reduced by using a condenser on the vacuum tumbler dryer in Falls Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05158A: Perdue AgriBusiness, LLC (1897 River Road, Marietta, PA 17547) on August 16, 2021, for the construction and temporary operation of a grain elevator and a soybean oil extraction facility in Conoy Township, **Lancaster County**. The plan approval was extended, with a compliance schedule.

36-05158D: Perdue AgriBusiness, LLC (1897 River Road, Marietta, PA 17547) on August 16, 2021, for the modification of the vertical seed conditioner (VSC) fan discharge and the ability to combust propane in Grain Dryer No. 2 (Source ID 104) at the soybean processing facility in Conoy Township, **Lancaster County**. The plan approval was extended, with a compliance schedule.

36-05158E: Perdue AgriBusiness, LLC (1897 River Road, Marietta, PA 17547) on August 16, 2021, for the modification to the 40 CFR Part 64, Continuous Assurance Monitoring (CAM) pressure differential ranges for various particulate matter control devices, and the modification of the mineral oil absorber temperature and flow rate requirements and the mineral oil condenser coolant temperature and flow rate requirements, at the soybean processing facility in Conoy Township, **Lancaster County**. The plan approval was extended, with a compliance schedule.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

PA-04-00439D Extension: Watco Transloading, LLC (2701 Midland Beaver Road, Industry, PA 15052-1709) on August 11, 2021, 180-day plan approval extension granted to prepare and resubmit the Operating Permit application for their Watco Lot No. 1 transloading facility located in Industry Borough, **Beaver County**.

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**.

04-00741A: ETC Northeast Field Services, LLC (6051 Wallace Rd. Ext., Wexford, PA 15090-7386) on August 5, 2021, to allow continued temporary of the sources authorized at the Pike Compressor Station located in New Sewickley Township, **Beaver County**. The new expiration date is February 28, 2022.

PA-26-00613A: ACF Group, Inc. (120 Main Street, Allison, PA 15413-9704) plan approval extension issuance date effective August 28, 2021, to facilitate shake-down of sources and associated control devices at their ACF facility located in Luzerne Township, **Fayette County**.

65-00881B: Innovative Carbide, LLC (11040 Parker Dr., Irwin, PA 15642-1634) on August 11, 2021, to extend the period of construction at the Irwin Plant located in North Huntingdon Township, **Westmoreland County**. The new expiration date is June 28, 2023.

PA-65-00979B Extension: Laurel Mountain Midstream, LLC (2000 Commerce Dr., Park Place Corporate Center 2, Pittsburgh, PA 15275-1026) plan approval extension issuance effective August 12, 2021 to facilitate the shake-down of emission sources and associated air cleaning devices at their Herminie Compressor Station located in West Newton 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 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05156: L & S Sweeteners (388 East Main Street, Leola, PA 17540-1925) on August 11, 2021, for the liquid and dry bulk receiving and transfer operations, and landfill gas-to-energy plant located in Upper Leacock Township, **Lancaster County**.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

TVOP-65-00053: Dura-Bond Steel Corporation (P.O. Box 518, 2658 Puckety Dr., Export, PA 15632) on August 10, 2021, a Title V Operating Permit renewal to Dura-Bond, Inc. for the continued operation of their facility located in Export Borough, **Westmoreland County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00184: Doylestown Hospital (595 W. State Street, Doylestown, PA 18901), Doylestown Township, **Bucks County**. On August 11, 2021, the Operating Permit was renewed.

15-00150: The Vanguard Group, Inc. (1041 West Valley Rd, Valley Forge, PA) located in Tredyffrin Township, **Chester County**. On August 16, 2021, renewed a State-Only Operating Permit.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05111: Lippert Components, Inc. (3501 CR 6 E, Elkhart, IN 46514), on August 11, 2021, for the chassis production facility located in Brecknock Township, **Lancaster County**. The State-Only Permit was renewed.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

63-00878: Peoples Natural Gas Co., LLC, Gibson Compressor Station (375 N. Shore Dr., Ste. 600, Pittsburgh, PA 15212-5866), on August 3, 2021, the Department issued the renewal State Only Operating Permit (SOOP) for the natural gas compressor facility located at 156 Redds Mill Road, Charleroi, PA (15022), in Fallowfield Township, **Washington County**. Permitted air

contamination sources include a 200 hp natural gas-fired compressor engine. Four (4) sources have been removed as permitted sources, including a Steam Boiler, an Emergency Generator, a Maintenance Building Heater and a Parts Washer.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

25-00456: Keystone Foundry Division (944 W 12th St, Erie, PA 16501-1515). On August 10, 2021, the Department issued the renewal State Only Natural Minor Operating Permit for operation of the Keystone Foundry Division facility owned by United Brass Works located in the City of Erie, **Erie County**. The facility's primary emission sources include five (5) electric induction furnaces, molding and grinding operations, an emergency power generator engine, and miscellaneous natural gas combustion. The potential emissions of the primary pollutants from the facility are as follows: 4.28 TPY (tons per year) NO_x, 2.54 TPY CO, 0.09 TPY VOC, 17.74 TPY PM₁₀ and PM_{2.5}, and 0.02 TPY SO_x; thus, the facility is a natural minor. The facility is subject to 40 CFR 63 Subpart ZZZZZZ, NESHAP for Nonferrous Foundries Area Sources. The emergency generator engine is subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

37-00374: AMG Chrome US AMG Titanium Alloys & Coatings (599 Northgate Circle, New Castle, PA 16101). The Department on August 3, 2021 issued a new State Only Operating Permit for the chrome tumbling operations that had ownership transferred from AMG TAC. The operations consist of chrome tumbling with control of emissions by a baghouse and an emergency generator. The facility is located in Neshannock Township, **Lawrence County**. The permit incorporates the requirements that were previously developed for the source when it was owned by AMG TAC. The emergency generator is subject to the Federal Requirements of 40 CFR 63 Subpart ZZZZ pertaining to National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

61-00210: Glenn O. Hawbaker, Inc., Barkeyville Plants # 14 & # 19 (157 Hawbaker Industrial Blvd., Grove City, PA 16127). On August 10, 2021, the Department issued the renewal State-Only Operating Permit of an asphaltic concrete plant and a stone crushing facility located in Barkeyville Borough, **Venango County**. Permitted air contamination sources are a counterflow drum hot mix asphalt (HMA) plant, a recycled asphalt plant (RAP) system, one portable crusher, two crusher plants and a diesel engine. In this renewal, an operating hour restriction is added to ensure the nonroad engine status of the diesel engine. Provisions on source test submittals are revised based on the Source Testing Section's latest instructions. Three previously permitted sources no longer onsite are removed from the permit. With no applicable operating hour restrictions, recordkeeping of operating hours is removed as a permit requirement for the crushing equipment/plants. Incorporation of permit requirements on use of fuels other than natural gas for the HMA plant is revised.

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) issued an initial Natural Minor Operating Permit for the following facility:

OP21-000001: SEPTA—Headquarters Building (1234 Market Street, Philadelphia, PA 19107) issued on August 11, 2021 for the operation of air emission sources at a corporate office in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: one (1) emergency generator firing diesel fuel rated 2922 HP and three (3) fire pumps firing diesel fuel rated 240 HP, 275 HP, and 460 HP respectively.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

07-05045: Curry Realty Three, LLC (P.O. Box 538, Hollidaysburg, PA 16648-0538) on August 5, 2021, for the locomotive cabin and rail car manufacturing facility located in Hollidaysburg Borough, **Blair County**. The State-only permit was administratively amended in order to reflect a change of ownership.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

25-00954: National Fuel Gas Supply Summit Station (6363 Main Street, Williamsville, NY 14221-5887) on August 4, 2021 issued an administrative amendment to the State Operating Permit for the facility located in Summit Township, **Erie County**. The amendment incorporates the requirements of Plan Approval 25-954A.

37-00374: AMG Titanium Alloys & Coatings (AMG TAC) (207 Frenz Drive, New Castle, PA 16101). The Department on August 3, 2021 amended the State Only Operating Permit for the facility located in Neshannock Township, **Lawrence County**. The amendment removes sources which were transferred to AMG Chrome.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

SOOP-04-0034: The Sherwin Williams Company Rochester Plant (372 Cleveland Street, Rochester, PA 15074). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Rochester Plant, located in Rochester Township, **Beaver County**.

This project allows the installation of two (2) 35,000 gallon storage tanks and one (1) 70,000 gallon storage tank. The emission increase resulting from this project will not exceed 0.04 tpy of VOC and 0.002 tpy of total HAPs. This project will not trigger the requirements of 25 Pa. Code Subchapter G at the facility. This approval includes throughput limitation requirements and recordkeeping requirements. The list of de minimis increases for this facility includes only this project.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

37-00300: North American Forgemasters (NAF) (710 Moravia Street, New Castle, PA 16101) for its facility located in city of New Castle, **Lawrence County**. The Department approves and authorizes de minimis emission increases for the installation and operation of a new, natural gas-fired torch and an increase in the natural gas usage for Source 103 Slow Cool Furnaces. NAF is a minor source of emissions. The installation and operation of the torch meets the exemption requirements of 25 Pa. Code § 127.14(a)(8) [# 36—sources qualifying under 25 Pa. Code § 127.449 as de minimis emission increases]. PM/PM₁₀/PM_{2.5} emissions resulting from this operation are estimated to be 0.05 tpy. The increase to the natural gas usage limitation specified under OP-37-300 D.I.004 for Source 103 Slow Cool Furnaces from 112 MMCF to 134 MMCF based on a 12-month rolling total results in combustion emission increases of 0.83 tpy NO_x, 0.94 tpy CO, 0.09 tpy PM₁₀, 0.06 tpy VOC, and 0.01 tpy SO_x. The de minimis emission increases resulting from the increase in natural gas usage also meets the exemption requirements of 25 Pa. Code § 127.14(a)(8) [# 36—sources qualifying under 25 Pa. Code § 127.449 as de minimis emission increases]. Additionally, the source(s) is exempt from plan approval as it complies with 25 Pa. Code § 127.14(b). The approved de minimis emission increases are below the permit authorized 25 Pa. Code § 129.449 de minimis emission increase thresholds specified in Table 1, as follows. In accordance with 25 Pa. Code § 127.449(i), Table 1 lists the de minimis emission increases since the facility Operating Permit issuance on May 17, 2016.

Table 1. De minimis emission increases for permit term May 17, 2016—April 30, 2021

Date	Source	Action	NO _x Increase (TPY)	PM ₁₀ Increase (TPY)	VOC Increase (TPY)	SO _x Increase (TPY)	CO Increase (TPY)
2021	Natural gas fired torch	RFD 8999	0.00	0.05	0.00	0.00	0.00

<i>Date</i>	<i>Source</i>	<i>Action</i>	<i>NO_x Increase (TPY)</i>	<i>PM₁₀ Increase (TPY)</i>	<i>VOC Increase (TPY)</i>	<i>SO_x Increase (TPY)</i>	<i>CO Increase (TPY)</i>
2021	Source 103 natural gas usage increase	RFD 8999	0.83	0.09	0.06	0.01	0.94
Total Reported Increase			0.83	0.14	0.06	0.01	0.94
Allowable			1 ton/ source; 5 tons/ facility	0.6 ton/ source; 3 tons/ facility	1 ton/ Source; 5 tons/ facility	1.6 tons/ source; 8 tons/ facility	4 tons/ source; 20 tons/ facility

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

25-00069: BASF Corporation Erie (1729 East Avenue, Erie, PA 16503-2367). On August 9, 2021, the Title V Operating Permit was revoked for the facility located in Erie City, **Erie County**. This Permit was revoked because the sources were shut down and the facility is no longer in operation.

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 Permit Issued

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).

Permit No. 56111303 and NPDES Permit No. PA0236110 and GP12-56111303-R6. LCT Energy, LP, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904, to renew the permit and related NPDES Permit including the renewal of the Air Quality GPA/GP12 authorization for Maple Springs Mine located in Conemaugh Township, **Somerset County**. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all appli-

cable limitations, terms, and conditions of authorization GP12-56111303-R6. No additional discharges. The application was considered administratively complete on April 23, 2019. Application received: December 27, 2018. Permit issued: August 5, 2021.

Permit No. 30161301 and NPDES Permit No. PA0236519. Marshall County Coal Resources, Inc., 46226 National Road, Saint Clairsville, OH 43950, to transfer the permit and related NPDES Permit from The Marshall County Coal Company, LLC for Marshall County Mine located in Aleppo Township, **Greene County**. No additional discharges. The application was considered administratively complete on March 9, 2021. Application received: December 4, 2020. Permit issued: August 5, 2021.

Cambria District Mining Office: 286 Industrial Park Road, Ebsenburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).

Permit No. 32950104 and NPDES No. PA0213055. Big Mack Leasing Co., Inc., 131 Malone Road, Derry, PA 15627, permit renewal for reclamation only of a bituminous surface mine for the operation and maintenance of the permanent treatment systems in Young Township, **Indiana County**, affecting 62.9 acres. Receiving streams: unnamed tributary to/and Whisky Run to Blacklegs Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 1, 2021. Permit issued: August 10, 2021.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 54190102. Char-Pac Coal Company, 1122 Sunbury Road, Pottsville, PA 17901, commencement, operation and restoration of an anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Schuylkill Township, **Schuylkill County** affecting 158.0 acres. Receiving streams: unnamed tributaries of Schuylkill River and Schuylkill River. Application received: November 21, 2019. Permit issued: August 10, 2021.

Permit No. PAM119035. Char-Pac Coal Company, 1122 Sunbury Road, Pottsville, PA 17901, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54190102 in Schuylkill Township, **Schuylkill County**, receiving streams: unnamed tributaries of Schuylkill River and Schuylkill River. Application received: November 21, 2019. Permit issued: August 10, 2021.

Noncoal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).

Permit No. 56010301 and NPDES Permit No. PA0279790, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, applying for an NPDES permit in Jefferson Township, **Somerset County**. The permit area is 138.6 acres. Receiving stream: unnamed tributary to Kooser Run, classified for the following use: high-quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 9, 2021. Permit issued: August 9, 2021.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).

Permit No. PAM219014-GP104. Big Woods Land Company, P.O. Box 400, McElhatten, PA 17748. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 18192802** located in Pine Creek Township, **Clinton County**. Receiving stream(s): Chatham Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 6, 2021. Approval of Coverage: August 9, 2021.

Permit No. PAM217011-GP104. Swisher Contracting, Inc., P.O. Box 1223, Clearfield, PA 16830. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 17172801** located in Lawrence Township, **Clearfield County**. Receiving stream(s): Unnamed Tributary to Clearfield Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 6, 2021. Approval of Coverage: August 9, 2021.

Permit No. PAM218003-GP104. Charles T. Root, 188 Thorndike Drive, Gillett, PA 16925. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08992803** located in Wells Township, **Bradford County**. Receiving stream(s): Seely Creek. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 6, 2021. Approval of Coverage: August 9, 2021.

Permit No. PAM219018-GP104. Wendy West, 719 Mercur Hill Road, Wysox, PA 18854. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08192801** located in Standing Stone Township, **Bradford County**. Receiving stream(s): King Creek classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 6, 2021. Approval of Coverage: August 9, 2021.

Permit No. 53112802 and NPDES No. PA0257656. Stanley, Gary & Dave Goodwin DBA Goodwin & Sons Enterprises, 1815 US RT 6 W, Roulette, PA 16746, renewal of an NPDES permit for a small noncoal mining site located in Roulette Township, **Potter County** affecting 13.9 acres. Receiving stream(s): Upper Allegheny River classified for the following use(s): CWF. There are

no potable water supply intakes within 10 miles downstream. Application received: January 22, 2021. Permit issued: August 11, 2021.

Permit No. 41110301 and NPDES No. PA0257591. Glenn O. Hawbaker, 711 East College Avenue, Bellefonte, PA 16823, renewal of an NPDES permit for a large noncoal mining site located in McNett Township, **Lycoming County** affecting 42.3 acres. Receiving stream(s): Unnamed Tributary to North Pleasant Stream and North Pleasant Stream classified for the following use(s): HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 10, 2021. Permit issued: August 11, 2021.

Permit No. PAM218006-GP104. Jerry L. Johnson, P.O. Box 136, LeRaysville, PA 18829. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08960804** located in Wyalusing Township, **Bradford County**. Receiving stream(s): Camps Creek to Wyalusing Creek to 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 11, 2021. Approval of Coverage: August 13, 2021.

Permit No. PAM218022-GP104. Dale E. Vanderpool, 3031 Spring Lake Road, Wyalusing, PA 18853. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08980808** located in Terry Township, **Bradford County**. Receiving stream(s): N. Branch Susquehanna classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 11, 2021. Approval of Coverage: August 13, 2021.

Permit No. PAM218017-GP104. Ameron Construction Co., Inc., 2501 N. Atherton Street, State College, PA 16803. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 14182801** located in Boggs Township, **Centre County**. Receiving stream(s): Unnamed Tributary to Bald Eagle Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 11, 2021. Approval of Coverage: August 13, 2021.

Permit No. PAM219006-GP104. Johnson Quarries, Inc., P.O. Box 136, LeRaysville, PA 18829. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08940806** located in Stevens Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to Cold 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 11, 2021. Approval of Coverage: August 13, 2021.

Permit No. PAM218009-GP104. Charles W. Stover, 778 Green Grove Road, Spring Mills, PA 16875. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 14930801** located in Gregg Township, **Centre County**. Receiving stream(s): Unnamed Tributary to Penns Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Notice of Coverage received: August 11, 2021. Approval of Coverage: August 13, 2021.

New Stanton District Mining Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 256110801 and PAM311004. Mon River Energy Corporation, 349 Leckrone High House Road, McClelland, PA 15458-1197. GP-104 re-issuance in German Township, **Fayette County**. Receiving stream(s): Browns Run, North Branch to Browns Run, and South Branch to Browns Run. Application received: July 12, 2021. Permit issued: August 12, 2021.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 7474SM1C2 and NPDES Permit No. PA0119253. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprises, PA 16664, correction to an existing quarry operation to decrease the permitted acres from 140.4 to 127.3 acres and to renew the NPDES Permit for discharge of treated mine drainage in Upper Nazareth, Lower Nazareth and Palmer Townships, **Northampton County**. Receiving stream: unnamed tributary to Shoeneck Creek. Application received: June 4, 2020. Correction and renewal issued: August 10, 2021.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).

Permit No. 08214108. Hayduk Enterprises, Inc., 257 Riverside Dr., Factoryville, PA 18419. Blasting for Pipeline located in Leroy Township, **Bradford County** with an expiration date of December 30, 2021. 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. 06214107. Valley Rock Solutions, LLC, P.O. Box 246, Macungie, PA 18062, construction blasting for Kid Joy Testing Labs in Caernarvon Township, **Berks County** with an expiration date of December 29, 2021. Permit issued: August 10, 2021.

Permit No. 06214109. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015, construction blasting for Rutters 92 Gas Station in Maxatawny Township, **Berks County** with an expiration date of October 10, 2022. Permit issued: August 10, 2021.

Permit No. 67214111. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015, construction blasting for Garrod Property in East Manchester Township, **York County** with an expiration date of August 3, 2022. Permit issued: August 10, 2021.

Permit No. 48214112. Valley Rock Solutions, LLC, P.O. Box 246, Macungie, PA 18062, construction blasting for Lafayette Hills in Forks Township, **Northampton County** with an expiration date of December 29, 2021. Permit issued: August 11, 2021.

Permit No. 67214112. J Roy's, Inc., P.O. Box 125, Bowmansville, PA 17507, construction blasting for Stonewicke Phase 3 in Penn Township, **York County** with an expiration date of August 5, 2022. Permit issued: August 11, 2021.

Permit No. 38214109. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for North Cornwall Apartments in North Cornwall Township, **Lebanon County** with an expiration date of July 21, 2022. Permit issued: August 12, 2021.

Permit No. 38214110. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for Greystone Crossing in North Cornwall Township, **Lebanon County** with an expiration date of August 10, 2022. Permit issued: August 12, 2021.

Permit No. 67214113. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015, construction blasting for Project Phoenix in West Manchester Township, **York County** with an expiration date of August 10, 2022. Permit issued: August 12, 2021.

Permit No. 22214107. Douglas Explosives, Inc., 2052 Philipsburg Bigler Highway, Philipsburg, PA 16866, construction blasting for Mountain Ridge Metals Project in Upper Paxton Township, **Dauphin County** with an expiration date of December 30, 2021. Permit issued: August 13, 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.

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. E1501220-025, JLLAR, Inc., 4533 West Lancaster Highway, Downingtown, PA 19335, Caln Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain 340 linear feet of an 8-inch PVC sewer line from their existing septic holding tank to an existing sewer manhole adjacent to Beaver Creek (CWF, MF) for the Chester County Sports Arena. This activity includes impact to a wetland area (PEM) using the method of open cut trench and will result in 270 linear feet (3,049 square feet, 0.070 acre) of temporary wetland impact and 270 linear feet (180 square feet, 0.004 acre) of permanent wetland impact.

This project is located at 4533 West Lancaster Highway in Caln Township, Chester County (USGS Downingtown, PA; Unionville Quadrangle—Latitude: 40.001976 N, Longitude: 75.727627 W). Permit issued August 10, 2021.

Permit No. E2301221-009, City of Philadelphia, Division of Aviation (DOA), Philadelphia International Airport, Terminal D, Third Floor, Philadelphia, PA 19153, Tinticum Township, **Delaware County**, ACOE Philadelphia District.

To place fill and perform various floodplain activities in order to relocate portions of Taxiway P within the 100-year floodplain of the Delaware River (WWF-MF) resulting in an overall 2,998,216 square feet (68.6 acres) of permanent impact to the floodplain which includes milling and overlay, full depth taxiway reconstruction, and the placement of a low density cellular concrete (LDCC) in areas to protect underground infrastructure. Fill for this project will be supplied from two (2) existing stockpiles within the floodplain resulting in 480,000 square feet (11.0 acres) of temporary floodplain impact.

This project is located at the Philadelphia International Airport in Tinticum Township, Delaware County (USGS Bridgeport, PA; Philadelphia; Woodbury Quadrangle—Latitude: 39.869444 N, Longitude: 75.244303 W). Permit issued August 6, 2021.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

E4306221-001, Greenville Borough, 125 Main Street, Greenville, PA 16125. Riverside Park Parking Lot, in Greenville Borough, **Mercer County**, ACOE Pittsburgh District (Greenville West, PA Quadrangle N: 41.409354°; W: -80.392279°).

To construct a parking lot involving grading and fill affecting an area measuring approximately 360 feet wide by 150 feet long by approximately 2 feet high and disturbing a total of approximately 1.3 acre within the FEMA 100-year flood plain of the Shenango River at Riverside Park along Alan Avenue north of SR 358

(Greenville West, PA Quadrangle N: 41.409354°; W: -80.392279°) in Greenville Borough, Mercer County.

E1006221-011, Rolling Frito-Lay Sales, LP, 1100 Thomas Park Drive, Cranberry Township, PA 16066. Frito-Lay Cranberry DC Expansion, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 41', 40"; W: -80°, 6', 47").

To construct and maintain an expansion of the existing Frito Lay warehouse and truck dock permanently impacting 0.20 acre of PEM/PSS wetland located along Thomson Park Drive (Mars, PA Quadrangle N: 40°, 41', 40"; W: -80°, 6', 47") in Cranberry Township, Butler County. Compensation for impacts is through purchase of wetland mitigation banking credits for 0.31 acre from RES First Pennsylvania Resource at the Robinson Fork Mitigation Bank, Phase 2.

DAM SAFETY

Central Office: Waterways Engineering and Wetlands, 400 Market Street, Floor 2, P.O. Box 8460, Harrisburg, PA 17105-8460.

D15-422A, Wayne Glen Dam, Wayne Glen Community Association, Inc., 555 Croton Road, Suite 400, King of Prussia, PA 19406. Permit issued to operate and maintain Wayne Glen Dam across a tributary to Trout Creek (WWF) in accordance with all permit conditions. (Valley Forge, PA Quadrangle Latitude: 40.0425; Longitude: -76.7006) in Tredyffrin Township, **Chester 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.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

ESCGP-3 # ESG081021003-00-PER W58 Well Pad
Applicant Name Pennenergy Resources, LLC
Contact Person Douglas Mehan
Address 1000 Commerce Drive Park Place One Ste. 400
City, State, Zip Pittsburgh, PA 15275-1011
County Butler

Township(s) Winfield Township
 Receiving Stream(s) and Classification(s) Little Buffalo Creek (HQ, TSF), UNTs to Little Buffalo Creek (HQ, TSF),
 Secondary; Buffalo Creek (TSF)
 ESCGP-3 # ESX160050001-01-Dynamite Pipeline Renewal
 Applicant Name Snyder Brothers Inc.
 Contact Person Mr. Carl Rose
 Address P.O. Box 1022
 City, State, Zip Kittanning, PA 16201
 County Armstrong County
 Township(s) Kittanning, PA 16201
 Receiving Stream(s) and Classification(s) Trib 47105 to Limestone Run (WWF), Glade Run (TSF), Trib 46963 to Allegheny River (WWF), Trib 46964 to Allegheny River (WWF),

Secondary; Limestone Run (WWF), Allegheny River (WWF)

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

ESCGP-3 # ESG295820003-00
 Applicant Name Cabot Oil & Gas Corp
 Contact Person Kenneth Marcum
 Address 2000 Park Lane Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Lathrop
 Receiving Stream(s) and Classification(s) Horton Creek # 1065 (CWF-MF), Horton Creek # 52389 (CWF-MF), Horton Creek # 8011 (CWF-MF)

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
21-27-001	PA Dept. of Corrections 1920 Technology Parkway Mechanicsburg, PA 17050 Attn: Robert McSurdy	Forest	Jenks Township	2 ASTs storing diesel fuel	60,000 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 non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Sunoco 0363-2734, 09-30764, 331 W Broad Street, Quakertown Borough, **Bucks County**. Aquaterra Technologies Inc., 901 S Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Sunoco, LLC c/o Evergreen Resources Group, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the non-residential, Statewide health standards.

Jot Fuel, 46-32134, 982 Easton Rd., Horsham, PA 19044, Horsham Township, **Montgomery County**. Keith Valley Environmental, Inc., P.O. Box 5376, Deptford, NJ 08096 on behalf of SG Fuel Inc., 982 Easton Rd. Horsham, PA 19044, submitted a Remedial Action

Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site-specific standards.

Downingtown Mobil, 15-24370, 47 W. Lancaster Ave., Downingtown, PA 19335, Downingtown Borough, **Bucks County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of ExxonMobil Environmental and Property Solutions Company, 1900 E. Linden Avenue, Building 28A, Linden, NJ 07036, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standards.

Turkey Hill 82, 15-08736, 1074 Gap Newport Pike # 10, Cochranville, PA 19330, West Fallowfield Township, **Chester County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Turkey Hill Mini Markets, 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet Statewide health and nonresidential site-specific standards.

Turkey Hill 71, 15-08728, 4031 Horseshoe Pike, Honey Brook, PA 19344, Honey Brook Borough, **Chester County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster PA 17602, on behalf Turkey Hill Mini Markets, 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

Phoenixville, 15-06704, 799 Valley Forge Rd., Phoenixville, PA 19460, Schuylkill Township, **Chester County**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf 799 Valley Forge Rd., Phoenixville, LLC, 645 West Hamilton Street, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

Faulkner Nissan Reconditioning, 46-97924, 980 Old York Rd., Abington, PA 19001, Abington Township, **Montgomery County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf JLLH Associates, Ltd., 4437 Street Road, Trevoise, PA 19053, submitted a Site Characterization Report 301(b) concerning remediation of soil and groundwater contaminated with used motor oil. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

Speedway 6789, 51-14501, 980 Old York Rd., Abington, PA 19001, Abington Township, **Montgomery County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway, LLC, 500 Speedway Drive, Enon, Ohio 45323, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with used motor oil. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standards.

Lukoil 69241, 46-41449, 630 Bethlehem Pike, Glenside, PA 19038, Springfield Township, **Montgomery**

County. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2&3, Ambler, PA 19002, on behalf of LUKOIL North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health and site-specific standards.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Sunoco 0374 6435, Storage Tank ID # 39-02332, 5052 Cetronia Road, Wescosville, PA 18106, Upper Macungie Township, **Lehigh County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, has submitted a combined, revised Site Characterization and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet site specific standards.

7 Eleven 23322, Storage Tank ID # 39-24557, 11 East Susquehanna Street, Allentown, PA 18103, Allentown City, **Lehigh County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven, Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221-0711, has submitted a combined Site Characterization and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet site specific standards.

Pocono Gas Station, Storage Tank ID # 45-16988, 3453 Route 611, Bartonsville, PA 18321, Pocono Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of W.S. Peeney Inc., 1745 West Main Street, Stroudsburg, PA 18360, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

Northcentral Regional Office: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.

Contact: Randy Farmerie, Environmental Program Manager.

Kwik Fill M0088, Storage Tank Facility ID # 14-23784, 120 Boal Avenue, Boalsburg, PA 16827, Harris Township, **Centre County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of PA, 814 Lexington Avenue, Warren, PA 16365, submitted a Revised Remedial Action Plan concerning remediation of Groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Nonresidential Statewide health standard.

Northwest Regional Office: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Cratty Sunoco, Storage Tank Facility ID # 25-12453, 1508 W. 26th Street, Erie, PA 16508, City of Erie, **Erie County**. Environmental Remediation and Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Tops Market, LLC, P.O. Box 1027, Buffalo, NY 14240, submit-

ted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and waste oil. The report is intended to document remediation of the site to meet the site-specific standard.

BFS Slippery Rock, Storage Tank Facility ID # 10-14073, 103 North Main Street, Slippery Rock, PA 16057, Slippery Rock Borough, **Butler County**. Letterle & Associates, 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Bruceton Farm Services, Inc., 116 Shannon Drive, Morgantown, WV 26508, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Statewide health standard.

Kwik Fill M174, Storage Tank Facility ID # 61-14802, 1293 Allegheny Boulevard, Franklin, PA 16343, Sugar-creek Borough, **Venango County**. Atlas Technical Consultants, LLC, 270 William Pitt Way, Pittsburgh, PA 15238 on behalf of United Refining Company, 11 Bradley Street, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The plan is intended to document the remedial actions for meeting the Statewide health standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the

appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Gas Stop, 15-23149, 652 E. Lincoln Hwy., Coatesville, PA 19320, Coatesville City, **Chester County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of KRSE, LLC, 655 E. Lincoln Highway, Coatesville, PA 19320-3532, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is demonstrated attainment of site-specific standards and was approved by DEP on July 26, 2021.

5716 Hulmeville Rd Bensalem, 09-06713, 5716 Hulmeville Rd., Bensalem, PA 19020, Bensalem Township, **Bucks County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of PALG UST VI, LLC, 600 W Hamilton Street, Allentown, PA 18101, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with unleaded gasoline. The report demonstrated attainment of the residential Statewide health standards and was approved by DEP on August 5, 2021.

Lukoil 69259, 51-41454, 12001 Roosevelt Blvd., Philadelphia, PA 19154, City of Philadelphia, **Philadelphia County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A2/A3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet the nonresidential Statewide health and site-specific standards and was approved by the DEP on August 16, 2021.

Phila Navy Yard Annex, 51-13723, 5001 S. Broad St., Code 357, Philadelphia, PA 19112, City of Philadelphia, **Philadelphia County**. Renova-Sovereign Joint Venture, 3417 Sunset Ave, Ocean, NJ 07712, on behalf of Naval Facilities Engineering Command (NAVFAC) Mid-Atlantic, 9324 Virginia Avenue, Norfolk, VA 23511-3095, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the nonresidential Statewide health and site-specific standards and was approved by the DEP on August 17, 2021.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Bowman Creek Service Center, Storage Tank ID # 66-25655, 2513 State Route 29 South, Tunkhannock, PA 18657, Monroe Township, **Wyoming County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Bowman Creek Service Center, 2513 State Route 29 South, Tunkhannock, PA 18657, has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Plan was acceptable to meet Statewide health standards and was approved by DEP on August 17, 2021.

[Pa.B. Doc. No. 21-1383. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Fiscal-Year Report for the Reclamation Fee O & M Trust Account

The Department of Environmental Protection (Department) announces the availability of the draft Fiscal-Year Report (report) for the Reclamation Fee O & M Trust Account. This account was established to provide funds for the operation and maintenance of mine drainage treatment facilities at mine sites with post-mining discharges at Alternate Bonding System Legacy Sites as defined in 25 Pa. Code § 86.1 (relating to definitions). As required by the regulations in 25 Pa. Code § 86.17(e) (relating to permit and reclamation fees) this report contains a financial analysis of the revenue and expenditures from the account for Fiscal Year (FY) 2020-2021 and provides projections for the FY 2021-2022.

The draft report is available on the Department's web site at www.ahs.dep.pa.gov/eComment.

The Department will accept comments on the draft report through Monday, September 27, 2021. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Reclamation Fee Report" as the subject line in written communication.

Questions regarding the draft report should be directed to Greg Greenfield, Department of Environmental Protection, Bureau of Mining Programs, Rachel Carson State Office Building, P.O. Box 8461, Harrisburg, PA 17105-8461, at grgreenfie@pa.gov or (717) 787-3174. Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 may contact the Department at (717) 787-3174 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-1384. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through the Coastal Zone Grant Program

The Department of Environmental Protection's (Department) Compacts and Commissions Office invites interested parties to apply for a Federal Fiscal Year 2022 Coastal Zone Grant beginning Monday, August 30, 2021.

Applicants must meet certain eligibility requirements (for example, an applicant must be an authority, an incorporated nonprofit organization, a political subdivision or an educational institution). Projects must be located within the Delaware Estuary Coastal Zone or the Lake Erie Coastal Zone boundaries as noted in the Coastal Program Grant Application Instruction Guide.

Proposals must support the mission of the Department's Coastal Resources Management Program to protect and enhance coastal resources in this Commonwealth.

The Coastal Zone Grant Program guidelines and application instructions are available online through the Department's web site at www.dep.pa.gov (select the "Grants" icon and under Schools, select "Coastal Zone Grant—for protecting water quality and shorelines in the Delaware Estuary and Lake Erie Coastal Zone") or by contacting the Department's Coastal Resources Management Program at RA-epcoastalzone@pa.gov or (717) 772-5622.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.dced.state.pa.us/Login.aspx. Hardcopy applications will not be accepted. The Department will begin accepting applications on Monday, August 30, 2021. Applications must be received by 4 p.m. Monday, October 18, 2021.

For more information regarding the Coastal Zone Grant Program, contact the Department of Environmental Protection, Compacts and Commissions Office, 400 Market Street, P.O. Box 8465, Harrisburg, PA 17105-8465, RA-epcoastalzone@pa.gov, (717) 772-5622. Information is also available on the Department's web site at www.dep.pa.gov (select "Businesses," then "Water," then "Compacts and Commissions," then "Coastal Resources Management Program," then "Grants").

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-1385. Filed for public inspection August 27, 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/. 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

DEP ID: 800-2100-001. **Title:** Prioritized Review Process Under the Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (ESCGP). **Description:** This draft TGD establishes a Prioritized Review Process for certain authorizations approved by the Department's Office of Oil and Gas Management (OOGM). The Prioritized Review Process contained in this draft technical guidance seeks to encourage persons preparing Notices of Intent (NOI) for Authorizations of Coverage under the Erosion and Sediment Control General Permit issued by OOGM to voluntarily develop and implement superior environmental enhancements to proposed projects by providing priority status in the NOI review process to qualifying applicants.

Written Comments: Interested persons may submit written comments on this draft TGD through Monday, September 27, 2021. Comments, including comments submitted by e-mail must include the commentator's name and address. Commentators must submit comments using the Department's online eComment for Policies at www.ahs.dep.pa.gov/eComment or by e-mail to 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 Kurt Klapkowski at kklapkowski@pa.gov or (717) 772-2199.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

Final TGD

DEP ID: 800-0810-004. **Title:** Guidelines for Chain Pillar Development and Longwall Mining Adjacent to Unconventional Wells. **Description:** The Department developed this guidance to inform those engaged in longwall coal mining and unconventional natural gas production how to comply with existing statutory and regulatory requirements. These guidelines facilitate appropriate unconventional well inactivation and re-entry procedures in advance of and subsequent to longwall panel removal that will allow for continuous isolation of gas from workable coal seams, protection of mining personnel and prevention of pollution of the waters of this Commonwealth, consistent with applicable law.

These guidelines were published as an interim final TGD at 47 Pa.B. 7645 (December 16, 2017), with a 30-day public comment period. During the comment period, the Department received approximately 27 comments from 2 commentators. The Department also collaborated with the Oil and Gas Technical Advisory Board and its Industry-Agency Coal-Gas Workgroup in developing this final guidance. Additionally, the Department has been implementing the interim final TGD since 2017 and has incorporated changes to the final TGD based on that field experience. In response to the comments received and field experience, several editorial and substantive changes were made to the final guidance document:

- Clarified the recommended number of wells to be designated for logging on multiwell pads with total well counts in excess of 10.
- Inserted "monthly averages" as a modifier of production histories to indicate that surface-measured pressures and flow rates can be provided as monthly averages.

- Introduced a risk assessment process for addressing partially cemented production strings in advance of mining.

- Clarified that all wells on a pad being managed under the process in the guidelines must be pressure tested.

- Clarified that wells that are permanently decommissioned in advance of mining must have a functioning vent, if not plugged to mine-through standards.

- Added test borehole programs allowing for the collection of subsidence and deformation data in advance of mining by an unconventional gas well that might inform the development of proposals that deviate from the Department Model Plan outlined in the TGD.

- Updated plugging schematics to reference current conventions for plugging a well solid (plugging to mine-through standards), as dictated by the Department's Bureau of Mine Safety and the United States Mine Safety and Health Administration.

Contact: Questions regarding this TGD can be directed to Seth Pelepko at mipelepko@pa.gov or (717) 772-0220.

Effective Date: August 28, 2021

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-1386. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Oil and Gas Technical Advisory Board Meeting

The Oil and Gas Technical Advisory Board (Board) will meet on Thursday, September 9, 2021, at 9 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 Todd Wallace at twallace@pa.gov or (717) 783-6395.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Oil and Gas," then "Oil and Gas Technical Advisory Board").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the September 9, 2021, meeting can be directed to Todd Wallace at twallace@pa.gov or (717) 783-6395.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Todd Wallace at (717) 783-6395 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. 21-1387. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Reclamation Committee Meeting

The Mining and Reclamation Advisory Board's (Board) Reclamation Committee will meet on Wednesday, September 15, 2021, at 10 a.m. in the 14th Floor Conference Room 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 Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining," then "Mining and Reclamation Advisory Board," then "2021").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the September 15, 2021, meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 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. 21-1388. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Recycling Fund Advisory Committee Meeting

The Recycling Fund Advisory Committee (Committee) will meet on Thursday, September 16, 2021, 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 Laura Henry at lahenry@pa.gov or (717) 772-5713.

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 (select "Public Participation," then "Advisory Committees," then "Waste," then "Recycling Fund 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 September 16, 2021, meeting can be directed to Laura Henry at lahenry@pa.gov or (717) 772-5713.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2360 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. 21-1389. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sewage Advisory Committee Meeting

The Sewage Advisory Committee (Committee) will meet on Tuesday, September 14, 2021, 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 Janice Vollero at jvollero@pa.gov or (717) 772-5157.

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 (select "Public Participation," then "Advisory Committees," then "Water," then "Sewage 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 September 14, 2021, meeting can be directed to Janice Vollero at jvollero@pa.gov or (717) 772-5157.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5157 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. 21-1390. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Solid Waste Advisory Committee Meeting Cancellation

The September 16, 2021, meeting of the Solid Waste Advisory Committee (Committee) is cancelled. The next regular meeting of the Committee is scheduled for Thursday, December 16, 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 meet-

ing are encouraged to sign up in advance by contacting Laura Henry at lahenry@pa.gov or (717) 772-5713.

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 (select "Public Participation," then "Advisory Committees," then "Waste," then "Solid Waste 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 December 16, 2021, meeting can be directed to Laura Henry at lahenry@pa.gov or (717) 772-5713.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2360 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. 21-1391. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Storage Tank Advisory Committee Meeting Cancellation

The September 8, 2021, meeting of the Storage Tank Advisory Committee (Committee) is cancelled. The next Committee meeting is scheduled for Tuesday, December 7, 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 Kris A. Shiffer at kshiffer@pa.gov or (717) 772-5809.

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 (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields," then "Storage Tank 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 December 7, 2021, meeting can be directed to Kris A. Shiffer at kshiffer@pa.gov or (717) 772-5809.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5809 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. 21-1392. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Home Health Agencies; Requests for Exception

The following home health agencies are seeking exceptions to 28 Pa. Code § 601.31 (relating to acceptance of patients, plan of treatment and medical supervision):

Amedisys Home Health
240 Pullman Square
Suite 255
Butler, PA 16001
LIC # 04110501

Amedisys Home Health
1368 Mall Run Road
Suite 628
Uniontown, PA 15401
LIC # 719305

Clarion Forest VNA
271 Perkins Road
Clarion, PA 16214
LIC # 711605

Community Nursing Services of Clinton County
124 Woodward Avenue
Lock Haven, PA 17745
LIC # 702905

Faithful Nursing, LP
1465B Lancaster Road
Manheim, PA 17545
LIC # 05680501

Lewisburg Home Health
21 West Independence Street
Shamokin, PA 17872
LIC # 705305

Lewistown Home Health
2437 Commercial Boulevard
Suite 6
State College, PA 16801
LIC # 714605

Saint Luke's Home Health
240 Union Station Plaza
Bethlehem, PA 18015
LIC # 700205

Resta Home Health
3091 Bigler Avenue
Northern Cambria, PA 15714
LIC # 80230501

VNA of Central PA
3315 Derry Street
Harrisburg, PA 17111
LIC # 758505

The following home health agency is seeking an exception to 28 Pa. Code § 601.6 (relating to definitions), specifically the definition of “home health aide”:

Aveanna Healthcare
1167 North Washington Street
Suite E
Wilkes-Barre, PA 18705
LIC # 04250501

The following home health agencies are seeking exceptions to 28 Pa. Code § 601.6 and §§ 601.22(a)—(c) and 601.35(c) (relating to agency evaluation and review; and home health aide services):

Bayada Home Health Care
2147 West 12th Street
Suite A-5
Erie, PA 16505
LIC # 06050501

Bayada Home Health Care
1850 William Penn Way
Lancaster, PA 17601
LIC # 0349051

Bayada Home Health Care
2310 Rothsville Road
Suite 100
Lititz, PA 17543
LIC # 01830500

Bayada Home Health Care
355 Lincoln Highway
North Versailles, PA 15137
LIC # 07210501

Bayada Home Health Care
19 East 4th Street
Suites 201 and 203
Williamsport, PA 17701
LIC # 04450501

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379, fax (717) 787-3188, ra-communityprogramlicensure@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. 21-1393. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e), (h) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Pleasant Ridge Manor—West
8300 West Ridge Road
Girard, PA 16417
FAC ID # 311002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Garden Spring Nursing and Rehabilitation Center
1113 North Easton Road
Willow Grove, PA 19090
FAC ID # 860202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(f)(1) (relating to nursing services):

The Villa Crest, LLC
1451 Frankstown Road
Johnstown, PA 15902
FAC ID # 24720201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-1394. Filed for public inspection August 27, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Powerball; Amended Notice

In accordance with 61 Pa. Code § 871.21 (relating to future changes to Powerball), the Secretary of Revenue (Secretary) announces the following changes to the Powerball regulations that were published at 51 Pa.B. 4953 (August 14, 2021).

The Pennsylvania Lottery intends to amend the date changes affect ticket sales, as it inadvertently stated the changes will affect ticket sales beginning on Monday, August 23, 2021, instead of Sunday, August 22, 2021, for the Powerball drawing on Monday, August 23, 2021. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 51 Pa.B. 4953—4960.

* * * * *

These changes to the regulation will affect ticket sales beginning on Sunday, August 22, 2021, for the Powerball drawing on Monday, August 23, 2021. The changes to the regulation will be codified as paragraph (10) in 61 Pa. Code § 871.22 (relating to changes to Powerball):

(10) *Changes effective for Powerball tickets sold on or after August 22, 2021:*

* * * * *

C. DANIEL HASSELL,
Secretary -

[Pa.B. Doc. No. 21-1395. Filed for public inspection August 27, 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 12, 2021, the Acting Secretary of the Commonwealth (Acting Secretary) received written notice that Judge James Murray Lynn 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 Lynn 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 11 Judges of the Court of Common Pleas of Philadelphia County. Each elector will be entitled to vote for up to 11 candidates, with the 11 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 two earlier retention revocations by two other Judges of the Court of Common Pleas of Philadelphia County, a ninth and tenth vacancy for the Court were previously added to the 2021 Municipal Election ballot, with nominations for those vacancies to occur prior to nomination certificates and nomination papers. See 51 Pa.B. 4034 (July 24, 2021) and 51 Pa.B. 5320 (August 21, 2021). Now, due to Judge Lynn's retention revocation, by law, each of the certified State-

wide 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 September 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.

VERONICA DEGRAFFENREID,
Acting Secretary

[Pa.B. Doc. No. 21-1396. Filed for public inspection August 27, 2021, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Paul Heric, Brad Leach and Jason Mohap v. Department of Environmental Protection and Crossroads XOX, LLC, Permittee; EHB Doc. No. 2021-077-L

Paul Heric, Brad Leach and Jason Mohap have appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PAD480124 to Crossroads XOX, LLC for a discharge to UNT to Monocacy Creek and EV wetlands from a project site in Upper Nazareth Township, Northampton County.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board's web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available online and upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 21-1397. Filed for public inspection August 27, 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>
57-332	Pennsylvania Public Utility Commission Diversity Reporting for Major Jurisdictional Utilities; Notice of Proposed Rulemaking 51 Pa.B. 3134 (June 5, 2021)	7/19/21	8/18/21
16A-4211	State Board of Barber Examiners Fees 51 Pa.B. 3342 (June 19, 2021)	7/19/21	8/18/21
60-3	Pennsylvania Turnpike Commission Traffic Regulations 51 Pa.B. 3347 (June 19, 2021)	7/19/21	8/18/21

**Pennsylvania Public Utility Commission Regulation
57-332 (IRRC # 3304)**

**Diversity Reporting for Major Jurisdictional
Utilities; Notice of Proposed Rulemaking**

August 18, 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 (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Clarity.

This rulemaking adds §§ 51.11—51.15 to 52 Pa. Code Chapter 51. It will require major jurisdictional utilities to file an annual report with the PUC describing their diversity program activity. Section 51.12 defines terms applicable to employee and vendor diversity. Section 51.13 defines terms for reporting employee statistics. Section 51.14 defines terms for reporting vendor statistics. These three sections state the definitions are applicable to §§ 51.11 and 51.15 and the PUC's Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809. In the Preamble, the PUC explains that including definitions for the regulation and the Policy Statement in one place establishes uniform terms for adherence to the regulation and the Policy Statement and avoids the potential for disjunction between one set of definitions for the regulation and a separate set for the Policy Statement. We have several questions and concerns with this approach and the three sections for definitions.

First, the definitions in all three sections are applicable to this regulation and the entirety of the Policy Statement and none of the definitions in a particular section are repeated in another section. What is the need for three separate sections for definitions? To improve the clarity of the regulation, we suggest that §§ 51.12—51.14 be combined into one section for definitions.

Second, the PUC acknowledges that some of the terms defined in §§ 51.12—51.14 are not used in the substantive sections of the rulemaking. However, those definitions are used in the Policy Statement and also the Demographics of Utility Workforce form that must be filed with the PUC. A commentator has stated that including unused terms in the rulemaking creates a compliance obligation that does not exist. We point out

that the inclusion of definitions in a regulation that are not used in that regulation conflicts with guidance provided in § 2.12 of the *PA Code & Bulletin Style Manual*. That section, relating to definitions, states the following: "If a definition does not serve a purpose or is not used in the chapter, do not include it." We suggest that the PUC follow the guidance above and delete terms that are not specifically used in §§ 51.11 and 51.15 of the regulation or the annual report.

Third, the use of substantive provisions in definitions is inconsistent with § 2.11(e) of the *PA Code & Bulletin Style Manual*. The last sentence in each of the following definitions is substantive and should be moved to the body of the regulation or Policy Statement; LGBTQ, person with disabilities, and operate.

Fourth, the PUC states in the Preamble that Policy Statement § 69.809, related to filings, will no longer be needed after this regulation becomes effective. If the Policy Statement is amended to delete § 69.809, the definition section or sections of the final regulation should be amended to reflect the correct citation to Policy Statement.

2. Implementation procedures.

Commentators have raised two issues related to implementation of the rulemaking that merit further consideration and explanation by the PUC. First, commentators have suggested that the documentation and reports that are required to be filed with the PUC be confidential. How will the documentation and reports be treated by the PUC? Will the public have access to the information? This should be explained in the Preamble to the final-form regulation.

Second, some commentators are not currently collecting the information that will be required to be reported. They state that they will need time to establish processes to collect the required data. These commentators have suggested the implementation of the regulation begin with the collection of data for the time period of January 1, 2022 through December 31, 2022 and that the reporting obligation begin with the filing of a utilities annual report in 2023. We ask the PUC to consider this suggestion and amend the implementation timeline as suggested by commentators or explain why it is not reasonable or appropriate to do so.

3. Section 51.12. Definitions applicable to employee and vendor diversity.—Implementation procedures; Clarity.

Diversity

A commentator states this definition includes concepts of equity and inclusion, but these concepts are not specifically named. They suggest that this definition be amended from “diversity” to “diversity, equity and inclusion” and that the amended definition be used throughout the regulation. If the PUC believes these amendments would increase workforce diversity and participation by diverse groups at major jurisdictional utilities, we suggest that the final-form regulation be amended accordingly.

Major jurisdictional utility

The last sentence of this definition states that the term, “. . . includes major telecommunications utilities with 50,000 or more access lines.” A commentator states that 66 Pa.C.S. §§ 3104(f) and 3105(e) limit the reports the PUC can require from local exchange telecommunications companies. We ask the PUC to explain how the reporting requirements of this rulemaking are consistent with the statutory provisions cited by the commentator in the Preamble to the final-form rulemaking.

LGBTQ and Person with disabilities

A commentator has suggested that language be added to these definitions that indicate self-identification “shall be confidential and voluntary on the part of the employee.” We ask the PUC to consider this suggestion. If the language is added to the regulation, it should be added to the body of the regulation because the use of substantive provisions in definitions is inconsistent with § 2.11(e) of the *PA Code & Bulletin Style Manual*.

4. Section 51.13. Definitions for reporting employee statistics.—Clarity.

Black or African-American

This term is defined as follows: “A person having origins in any of the black racial groups of Africa.” A commentator has noted that the other racial groups defined in this section include the phrase “not Hispanic or Latino” in parentheses after the named group. The commentator suggests that “not Hispanic or Latino” be added to this term or deleted from the definitions of the other racial groups. If the PUC believes the suggestions of the commentator improve the clarity of the regulation and the Demographics of Utility Workforce form that must be filled under § 51.15(a)(3), we encourage this change to be made to the final-form rulemaking.

5. Section 51.15. Diversity reporting requirements.—Statutory authority; Implementation procedures; Clarity.

Subsection (a)(3) specifies the type of information that must be reported on the Demographics of Utility Workforce form. A commentator suggests the subsection be amended to include the defined term “LGBTQ” because that term is used on the noted form. We agree with the commentator and ask the PUC to ensure that all categories of information required by the Demographics of Utility Workforce form be included in this subsection of the regulation.

Subsection (c) states the following: “The Commission will use all available remedies to ensure compliance including fines.” What is the PUC’s statutory authority for requiring compliance with this regulation and the possible imposition of fines for non-compliance? That authority should be cited in the final-form regulation and

the Preamble. Also we recommend that the type of possible corrective action or enforcement and the amount of potential fines be included in the final-form regulation.

**State Board of Barber Examiners Regulation
16A-4211 (IRRC # 3306)**

Fees

August 18, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the June 19, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b), Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Barber Examiners (Board) to respond to all comments received from us or any other source.

1. Economic or fiscal impacts; Reasonableness.

Under Section 14(b) the act of June 19, 1931 (P.L. 589, No. 202), known as the Barbers’ License Law (act), the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. 63 P.S. § 564(b). Further, the act provides that the Board shall increase fees when revenue is not sufficient to meet expenditures over a two-year period. The revenue generated from increased fees is required to meet or exceed projected expenditures.

The Board states in the Preamble that it has been operating with a deficit balance since Fiscal Year (FY) 2016-2017. The Board explains that majority of its general operating expenses are borne by the licensee population through the biennial renewal of licenses while a small percentage comes from application fees. Therefore, this rulemaking proposes graduated increases beginning in 2022 with a second increase in 2024 for ten application and five biennial renewal fees for barbers, barber shop managers, barber teachers, barber shops and barber schools. The proposed fee schedule in Section 3.103 (relating to fees) will allow the Board to meet or exceed projected expenditures through at least FY 2024-2025.

We have two concerns.

First, the majority of fees in the first phase of the proposed fee schedule are increased 9% to 47% over the current fee schedule. However, the application fees for initial licensure of barbers, barber shop managers and barber teachers are increased 200% over the existing fees. We ask the Board to explain why the increase for these three initial licensure fees is reasonable.

Second, the Board does not explain how it calculated the graduated increases for biennial renewal fees which will take effect on May 1, 2022 and May 1, 2024, and the application fee increases which will take effect on July 1, 2024. We ask the Board to explain how these increases were determined, and why they are appropriate and reasonable.

We will review the responses to these concerns when evaluating the fiscal impact and reasonableness of the fee schedule when determining if the regulation is in the public interest.

2. Regulatory Analysis Form (RAF)—Economic or fiscal impacts.

In response to RAF Question # 21, the Board states that it will incur a minimal cost to implement this regulation. However, the Board does not estimate this cost in RAF Question # 23. We ask the Board to estimate its costs in the RAF submitted with the final-form regulation or explain why it is not possible to do so.

In response to RAF Question # 28, the Board submitted Fee Report Forms for initial licensure and miscellaneous application fees. However, Fee Report Forms were not submitted for processing biennial renewal applications for barbers, barber shop managers, barber teachers, barber shops and barber schools. We ask the Board to include Fee Report Forms for all fees in Section 3.103 when it submits the final-form regulation.

**Pennsylvania Turnpike Commission Regulation
60-3 (IRRC # 3307)**

Traffic Regulations

August 18, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the June 19, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Turnpike Commission (Commission) to respond to all comments received from us or any other source.

1. Compliance with the provisions of the RRA or the regulations of IRRC in promulgating the regulation; Possible conflict with statutes and regulations.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs IRRC to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria such as economic or fiscal impact and reasonableness. To make that determination, IRRC must analyze the text of the proposed regulation and the reasons for the new or amended language. IRRC 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 information contained in the RAF submitted by the Commission at the proposed stage of review is not sufficient to allow IRRC to determine if the regulation is in the public interest. RAF # 15 requires the promulgating agency to identify the types and number of persons, businesses, small businesses and organizations which will be affected by the regulation. The Commission's response does not address whether any of the approximately 800 registered vendors/businesses with "Class 9" accounts as reported for 2018-2019 would be considered small businesses, and if so, how many.

In the Preamble to the proposed regulation, the Commission states that it is funded primarily by tolls and bonds. It explains that a fiscal note was not submitted because there is no direct cost to the Commonwealth or local governments as a result of these proposed regulations. Under the Administrative Code of 1929 Section 612, the Office of the Budget must prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions, or authorities, receiving money from the State Treasury (71 P.S. § 232), and these entities must provide a fiscal note with every regulatory action and administrative procedure published in the *Pennsylvania Bulletin* (4 Pa. Code § 7.231).

4 Pa. Code § 7.234(a) (relating to Responsibilities) establishes the procedures for agencies that receive funds from the State Treasury and are, therefore, required to submit an RAF to IRRC under the RRA and those that are not required to submit an RAF to IRRC for a regulatory action or administrative procedure. Agencies that are required to submit an RAF, must provide one

copy of the RAF and one copy of the regulatory action or administrative procedure, or changes thereto, to the Office of the Budget for review prior to it being deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* (4 Pa. Code § 7.234(b) and (c)).

The Commission reports that it does not receive appropriations from the Commonwealth other than those that are statutorily provided (oil company franchise tax revenues and motor license registration fee revenues in the form of annual capital contributions, which are the revenue stream for its bonds). We ask the Commission to explain how its Fiscal Impact statement is consistent with Section 612 of the Administrative Code of 1929, its accompanying regulations at 4 Pa. Code §§ 7.231—7.234 and the RRA.

2. Section 601.13. Evasion of fare.—Clarity; and Possible conflict with or duplication of statutes or existing regulations.

The Commission proposes to amend this section by referencing the language and penalties set forth in § 6110.1 (relating to Fare evasion) of the Vehicle Code and removing language that refers to paper toll tickets to reflect the conversion to a cashless tolling system.

Subsection (a)

This subsection is being amended to read, in part, "Fines for evasion of fare, attempted evasion of fare and *affirmative action* are imposed by 75 Pa.C.S. §§ 6110.1(a) and (b) (relating to penalty and affirmative action)." (Emphasis added.)

Section 601.13(b) identifies the actions that constitute evasion of fare or attempted evasion of fare. An individual who violates a Commission regulation under this subsection commits a summary offense under 75 Pa.C.S.A. § 6110.1(a) of the Vehicles Code. We believe it would add clarity to the regulation if the actions that constitute "affirmative action" as listed in 75 Pa.C.S.A. § 6110.1(f) were included in the regulation.

In § 601.13(b)(2), the Commission proposes to delete the existing language and insert the following: "Operating a vehicle on the Turnpike System without a *valid Electronic toll collection device* and/or obstructing or covering the vehicle's license plate." (Emphasis added.)

The Transportation Code (Title 74) defines "Electronic toll collection" as "A system of collecting tolls or charges that is capable of charging an account holder for the prescribed toll by electronic transmission of information between a device on a vehicle and a device in a toll lane at a toll collection facility." 74 Pa.C.S.A. § 8102

The term "Electronic toll collection device" is not defined statutorily or in the proposed regulation. It is unclear what is meant by a "valid" Electronic toll collection device. We ask the Commission, in a revised Annex to the final-form rulemaking, to define the term "Electronic toll collection device" and explain what makes a device valid.

Also, § 601.13(b)(2) contains non-regulatory language. The Commission should delete "and/or" and make each prohibition a separate paragraph. See § 6.15(b) (relating to Words and phrases) *Pennsylvania Code and Bulletin Style Manual*.

The Commission proposes to amend Section 601.13(b)(3) by deleting the existing language and replacing it with "Operating a vehicle on the Turnpike System without a license plate and valid vehicle registration." (Emphasis added) Is it the Commission's intent that both

conditions must be present to be considered an attempted evasion of fare? We ask the Commission to clarify the intent of this proposed language.

3. Section 601.14. Over-dimensional/overweight vehicles.—Clarity.

In Subsection (a), the Commission proposes to delete the directory information for the Commission’s Safety Department. Subsections (a), (d)—(f) refer to the policies and procedures of the Commission. The Commission’s website provides additional information pertaining to Special Hauling Permit requirements such as when an escort vehicle is required, when the Engineering Department’s approval is needed and when a Pennsylvania State Police escort is required. We ask the Commission to

explain why these additional requirements are not part of the regulation. The Commission should include in a revised Annex a statement indicating that the policies and procedures necessary to request and obtain a Special Hauling Permit can be accessed via the Commission’s web site.

4. Miscellaneous.

For consistency with the statutory definition of “Electronic toll collection,” should the term “appropriate” in proposed § 601.13(b)(4) be replaced with “prescribed?”

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-1398. Filed for public inspection August 27, 2021, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the 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.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
7-552	Environmental Quality Board Administration of the Land Recycling Program	8/17/21	9/23/21
16A-7103	Bureau of Professional and Occupational Affairs Schedule of Civil Penalties—Crane Operators	8/17/21	9/23/21

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-1399. Filed for public inspection August 27, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Northeast SNF Operations, LLC

Northeast SNF Operations, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Bryn Mawr Village in Bryn Mawr, PA. The initial filing was received on August 8, 2021, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority 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 and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be e-mailed to Karen M. Feather, kfeather@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1400. Filed for public inspection August 27, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Highmark Choice Company; Rate Increase Filing for Grandfathered Individual HMO Forms (SERFF # HGHM-132945419); Rate Filing

Highmark Choice Company is requesting approval to increase the premium an aggregate 15.9% on 711 contract-holders with grandfathered medically underwritten individual HMO form M3002. The requested effective date of the change is January 1, 2022.

Unless formal administrative action is taken prior to November 12, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s web site at www.insurance.pa.gov (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1401. Filed for public inspection August 27, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

John Alden Life Insurance Company; Rate Increase Filing for Several LTC Forms (SERFF # LFCR-132940309); Rate Filing

John Alden Life Insurance Company is requesting approval to increase the premium an aggregate 72.8% on 202 policyholders with individual LTC forms J-5762-P-PA, J-5762-P-1-PA, J-5875-P-PA, J-5875-P-PA(Q) and J-5875-P-1-PA.

Unless formal administrative action is taken prior to November 12, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1402. Filed for public inspection August 27, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

John Hancock Life Insurance Company (USA); Rate Increase Filing for Several LTC Forms (SERFF # MULF-132941233); Rate Filing

John Hancock Life Insurance Company (USA) is requesting approval to increase the premium an aggregate 4% on 9,750 policyholders with individual LTC forms LTC-02 PA, LTC-02FR PA, BSC-02 PA, BSC-02FR PA, LTC-03 PA, LTC-03FR PA, BSC-03 PA and BSC-03FR PA.

Unless formal administrative action is taken prior to November 12, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1403. Filed for public inspection August 27, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Dempsey Clayton Kirshner; License Denial Appeal; Doc. No. AG21-08-012

Under Article VI-A of The Insurance Department Act of 1921, (40 P.S. §§ 310.1—310.99a), Dempsey Clayton Kirshner has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing videoconference initiated by this office is scheduled for September 28, 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 September 14, 2021. The email 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 27, 2021.

Persons with a disability who wish to attend the previously referenced prehearing videoconference and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1404. Filed for public inspection August 27, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Metropolitan Life Insurance Company; Rate Increase Filing for Several LTC Forms (SERFF # META-132937810); Rate Filing

Metropolitan Life Insurance Company is requesting approval to increase the premium an aggregate 5.17% on 140 policyholders with individual LTC forms TCL-LTC.04(PA) Ed. 4/00 and TCL-LTC.04(PA-E) Ed. 4/00.

Unless formal administrative action is taken prior to November 12, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1405. Filed for public inspection August 27, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 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 Joel Nacht; Progressive Advanced Insurance Company; File No. 21-176-259953; Doc. No. P21-08-011; October 5, 2021, 9:30 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. 21-1406. Filed for public inspection August 27, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured 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 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 Associated Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Darl Matthew Friend; Garrison Property and Casualty Insurance Company; File No. 21-177-259838; Doc. No. P21-07-023; October 19, 2021, 9:30 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. 21-1407. Filed for public inspection August 27, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

TIAA-CREF Life Insurance Company; Rate Increase Filing for Several LTC Forms (SERFF # META-132937833); Rate Filing

TIAA-CREF Life Insurance Company is requesting approval to increase the premium an aggregate 5.17% on 140 policyholders with individual LTC forms TCL-LTC.04(PA) Ed. 4/00 and TCL-LTC.04(PA-E) Ed. 4/00.

Unless formal administrative action is taken prior to November 12, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1408. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Policy Proceeding—Utilization of Storage Resources as Electric Distribution Assets Additional Questions; Doc. No. M-2020-302287

The Pennsylvania Public Utility Commission (PUC or Commission) issued a Secretarial Letter on December 3,

2020¹, seeking input from stakeholders on the issue of energy storage resources as electric distribution assets. The Commission sought the information in order to help guide any potential future regulatory policies related to utilization of electric storage within electric utility distribution resource planning. The Commission requested responses to directed questions in the Secretarial Letter. Twenty-one stakeholders submitted comments on the three questions asked in the Secretarial Letter. For context, the questions were:

1. What applications can electric storage provide as a distribution asset for utilities that would facilitate improved reliability and resiliency?
2. What are the defining characteristics of electric storage used for distribution asset planning as distinguished from generation resources? What thresholds, if any, would classify electric storage as a generation resource and therefore outside permitted distribution ratemaking and recovery?
3. Is it prudent for utilities to include electric storage in their distribution resource planning and, if so, where and under what circumstances? Further, is it appropriate for utilities to include such investments in rate base?

Interested parties were invited to submit written comments for inclusion in the record with the Secretary of the Commission within thirty (30) days of publication in the *Pennsylvania Bulletin*. Comments were due by January 19, 2021.

On December 28, 2020, a motion for extension of time for comments was submitted by the Office of Consumer Advocate (OCA) requesting an extension of 30 days for interested parties to submit comments. On December 30, 2020, this motion was granted. The new deadline to submit comments was February 18, 2021.

The following parties filed comments: Clean Air Council (CAC), PJM Power Providers Group (P3), Edison Electric Institute (EEI), Monitoring Analytics, LLC, acting as the Independent Market monitor for PJM (IMM), UGI Utilities, Inc. (UGI), Natural Resources Defense Council (NRDC), Solar Energy Industries Association (SEIA), Calpine Retail Holdings, LLC (Calpine), U.S. Energy Storage Association (ESA), Energy Association of Pennsylvania (EAP), PPL Electric Utilities Corporation (PPL), PECO Energy Company (PECO), POWER Interfaith (POWER), Advanced Energy Management Alliance (AEMA), Convergent Energy + Power (Convergent), the Large Customer Group, FirstEnergy (Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company, collectively), Duquesne Light Company (DLC), Retail Energy Supply Association (RESA), OCA and the Pennsylvania Department of Environmental Protection (DEP).

Nearly all commenters agreed that energy storage has the potential to improve reliability and resiliency on a distribution grid. While commenters offered their views on the answers to the questions asked in the Secretarial Letter, additional information is required to allow the Commission to formulate a clear policy on this matter. Several questions need to be answered if energy storage is to be considered a distribution asset.

To that end, the Commission wishes to seek further information from utilities and other stakeholders to clarify under what circumstances energy storage would be considered a distribution asset. This next iteration of

questions will also help this Commission better coordinate future storage policy with recent policy advancements at the Federal level, namely the Federal Energy Regulatory Commission's Order 2222. To obtain this information, the Commission seeks responses to the attached directed questions. Each directed question includes background information that resulted from comments received from the December 3, 2020, Secretarial Letter, to better inform responses.

Interested parties are invited to submit written responses for inclusion in the record with the Secretary of the Commission within thirty (30) days of publication in the *Pennsylvania Bulletin*. Comments shall be filed consistent with the Commission's July 27, 2020, Secretarial Letter. Modification to Filing and Service Requirements Emergency Order, Doc. No. M-2020-3019262 (Secretarial Letter issued July 27, 2020). Under this Secretarial Letter, filings are to be made by e-filing or by electronic mail. This information can be found on the Commission's web site at www.puc.state.pa.us/efiling/default.aspx.

The contact persons for this matter are: Assistant Counsels Aspasia V. Staevska, (717) 425-7403, astaevska@pa.gov, Joe Cardinale, (717) 787-5558, jcardinale@pa.gov in the Law Bureau; and Fixed Utility Financial Analyst David Edinger, (717) 787-3512, dedinger@pa.gov in the Bureau of Technical Utility Services.

ROSEMARY CHIAVETTA,
Secretary

Directed Questions; Policy Proceeding—Utilization of Storage Resources as Electric Distribution Assets; Doc. No. M-2020-3022877

1) What are the parameters that would allow for the use of energy storage on the distribution grid? For example, what factors should be used in the consideration of the energy-storage project? Should the energy-storage project meet certain thresholds and demonstrate certain requirements, e.g., demonstration of cost-effectiveness as compared to alternate measures, demonstration of need, required RFPs to solicit potential third-party providers, limitations on project size and scope, etc.

Though many commenters agreed that energy storage has the ability to provide reliability and resiliency on a distribution grid, most expressed that there needs to be limits, rules, or at least, guidance on when it is appropriate to deploy energy storage on a distribution system. This includes the purpose of the energy-storage installation. In other words, under what regulatory/statutory framework would energy storage be a distribution asset?

Another consideration is the size limitations, in terms of nameplate capacity, that are acceptable for energy storage. For example, if an energy-storage system is designed to meet the specific need of voltage regulation, should the capacity be limited only to address this problem, or is it acceptable to size the system to provide additional capacity?

Most commenters agreed that energy storage needs to be a cost-effective solution. However, more information is needed to understand what elements would inform the cost-effectiveness test. Because of its versatility, energy storage has the potential to provide benefits other than resolving a specific resiliency or reliability problem. Should these other functions be considered in a cost-effectiveness test? For example, if a decision needs to be made as to whether to install an energy-storage system versus more traditional infrastructure upgrades, what other energy-storage functions should be considered when trying to determine which is more cost-effective?

¹ See the Secretarial Letter issued on December 3, 2020 at Doc. No. M-2020-3022877.

2) What EDCs have undertaken energy-storage initiatives as a pilot program and what were the results and lessons-learned?

The lessons learned from EDCs who have introduced energy-storage initiatives as pilot programs would be helpful to understand some of the issues that surround energy storage. Indeed, their experiences may provide cogent information and better understanding of the proper framework for adopting an energy-storage policy. For example, the Maryland Public Service Commission has approved several pilot projects for EDCs and at least one for a third-party owner.

3) Under what circumstances is it appropriate to deploy energy storage as compared to traditional infrastructure upgrades?

Aside from cost-effectiveness, other questions need to be answered as to what circumstances would warrant energy-storage deployment instead of traditional infrastructure upgrades. While in some cases it might make sense to deploy energy storage as a cost-effective solution, energy storage should not be viewed as the appropriate solution in all cases.

For example, at the end of a circuit with no projected load growth, energy storage may be an appropriate solution for reliability issues. However, if there is an area experiencing new construction and where load growth is projected, it may be more appropriate to consider adding a substation now, at a greater cost, rather than deploying more inexpensive energy storage that may not be able to fulfill the load that is expected.

4) Who should own an energy-storage asset? EDCs, third-party vendors or some combination of both?

Most commenters expressed an opinion as to ownership of energy storage and there is valid reasoning behind all positions.

EDCs assert that they are in the best position to own and operate energy storage and can provide operational visibility that a third-party may not.

Those that view electric storage as a generation-only asset cite the legal framework that Pennsylvania uses that deregulates the generation and sale of electricity, particularly the Electricity Generation Customer Choice and Competition Act. Thus, they question the legality of EDC ownership.

Interestingly, most commenters agree, whether they view it as a distribution asset or a generation resource, that circumstances exist where energy storage is a viable solution to resiliency and reliability issues on the distribution grid. However, they assert that there needs to be a framework and rules for what can be done, depending upon the ownership model. For example, if EDCs own energy storage, their participation in wholesale or ancillary markets should be prohibited. Conversely, if a third-party owns the energy storage, they may participate in wholesale or ancillary markets, but their primary function should be to support the resiliency or reliability issue for which they were needed.

If a third-party owned model is pursued, the details of Request for Proposals for bidding purposes needs to be determined.

Energy-storage ownership needs to be explored further in order to provide clear guidance on the circumstances and processes of who should acquire and maintain control over the asset.

5) What processes should the Commission use to review requests to utilize energy storage as a distribution asset and recover associated costs?

If the model of energy-storage ownership is through an EDC, then questions need to be answered as to how the Commission should review the appropriate use and cost recovery of these assets. What form of review and approval process should the Commission utilize to render a determination on the appropriate treatment of a storage system as a distribution asset? How should the Commission exercise its prudence review: through the issuance of certificates of public convenience under 66 Pa.C.S. § 1102; a petition for declaratory order; as part of a base rate case review, or another type of proceeding?

6) What cost recovery mechanisms should be implemented for the ownership and operation of energy-storage assets?

Commenters gave varying responses to whether energy storage should be recoverable under the rate base as a distribution asset. Further examination of what cost-recovery mechanism to utilize may be warranted given that energy storage requires energy to charge and that it consumes more energy than it can dispense. This question seeks a more nuanced answer of how energy-storage asset costs are recovered. Should it be through § 1308 base rate for all costs, or a combination of § 1308 applicable to the capital costs of the battery system and § 1307 automatic adjustment for the energy cost associated with running the battery system?

What limits, if any, on the operation of the battery system by the EDC should be established for cost-recovery purposes?

Should the Commission allow EDCs to enter into distribution-related services provided by third party-owned energy-storage systems, and, if so, how should the EDCs recover these costs?

Should the Commission allow EDCs' storage systems to participate in the PJM wholesale markets and how should those revenues be treated? Should the PJM revenues be used to offset the costs of the electric storage system and be credited to customers? Would such a participation model alleviate competition concerns?

7) What are the appropriate models and limitations necessary to allow energy storage to participate in wholesale power markets?

Energy storage has several versatile functions. Some of these functions can address reliability and resiliency issues and some of these functions allow for participation in wholesale power markets. Generally speaking, what role does energy storage participating only in the wholesale markets have on the EDC distribution system operations?

While it is possible to serve these various functions simultaneously, there are issues surrounding EDC-owned energy-storage assets participating in energy, capacity, and ancillary power markets. Fundamentally, allowing EDC-owned energy-storage assets to participate in these markets may have a negative impact on these markets. And at the very least, it may go against the model of competitive markets for power generation. It is also possible that any revenue that an EDC generates from market participation could be used to offset costs, thus reducing customers' bills.

Conversely, allowing third-party ownership of energy storage would alleviate competition concerns. However, the fundamental issue here is how third parties are held

accountable for their energy-storage systems to serve reliability and resiliency needs as its primary function while also participating in other power markets. While it is possible to do this, the rules would need to be articulated.

Finally, are there appropriate limits for the EDCs to place on the operation of such wholesale assets? Does this depend on whether the energy-storage asset participates in wholesale markets independently or through Order 2222 Distributed Energy Resource aggregation?

[Pa.B. Doc. No. 21-1409. Filed for public inspection August 27, 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 13, 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 13, 2021. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2021-3027619. BTS Services, Inc. (1801 Oberlin Road, Suite 205, Middletown, Dauphin County, PA 17057) to transport, by motor vehicle in paratransit service, persons under 18 years of age, from points in Dauphin County, to points in Pennsylvania, and return.

A-2021-3027853. Affluent Limousine Services, LLC (509 College Avenue, Newtown Square, Delaware County, PA 19073) in limousine service, from points in Delaware County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2021-3027856. Best Employee Shuttle Services, Inc. (362 Gosling Drive, North Wales, Montgomery County, PA) in paratransit service, from points in Delaware County, and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2021-3027858. Business Class Limousine and Car Services, LLC (222 Roosevelt Avenue, Downingtown, Chester County, PA 19335) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Berks, Bucks, Chester, Delaware, Lancaster and Montgomery.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2021-3027864. MAF Transport Services, LLC (13741 Arneman Road, Edinboro, Erie County, PA 16412) for the right to begin to arrange transportation of passengers, between points in Pennsylvania.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1410. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027817. Verizon Pennsylvania, LLC and Xtel Communications, Inc. Joint petition of Verizon Pennsylvania, LLC and Xtel Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Xtel Communications, Inc., by their counsel, filed on August 11, 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 Xtel Communications, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1411. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027821. Verizon Pennsylvania, LLC and A.R.C. Networks, Inc., d/b/a InfoHighway. Joint peti-

tion of Verizon Pennsylvania, LLC and A.R.C. Networks, Inc., d/b/a InfoHighway for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and A.R.C. Networks, Inc., d/b/a InfoHighway, by their counsel, filed on August 11, 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 A.R.C. Networks, Inc., d/b/a InfoHighway joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1412. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027822. Verizon Pennsylvania, LLC and Broadview Networks, Inc. Joint petition of Verizon Pennsylvania, LLC and Broadview Networks, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Broadview Networks, Inc., by their counsel, filed on August 11, 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 Broadview Networks, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1413. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027823. Verizon North, LLC and Broadview Networks, Inc. Joint petition of Verizon North, LLC and Broadview Networks, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Broadview Networks, Inc., by their counsel, filed on August 11, 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 Broadview Networks, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1414. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027828. Verizon Pennsylvania, LLC and Cavalier Telephone, LLC. Joint petition of Verizon Pennsylvania, LLC and Cavalier Telephone, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Cavalier Telephone, LLC, by their counsel, filed on August 11, 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 Cavalier Telephone, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1415. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027829. Verizon Pennsylvania, LLC and Intellifiber Networks, Inc. Joint petition of Verizon Pennsylvania, LLC and Intellifiber Networks, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Intellifiber Networks, Inc., by their counsel, filed on August 11, 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 Intellifiber Networks, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1416. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027830. Verizon Pennsylvania, LLC and PaeTec Communications, LLC. Joint petition of Verizon Pennsylvania, LLC and PaeTec Communications, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and PaeTec Communications, LLC, by their counsel, filed on August 11, 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 Pennsylvania, LLC and PaeTec Communications, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1417. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027831. Verizon Pennsylvania, LLC and Broadview NP Acquisition, Corp. Joint petition of Verizon Pennsylvania, LLC and Broadview NP Acquisition, Corp. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Broadview NP Acquisition Corp., by their counsel, filed on August 11, 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 Broadview NP Acquisition, Corp. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1418. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027832. Verizon North, LLC and Broadview NP Acquisition, Corp. Joint petition of Verizon North, LLC and Broadview NP Acquisition, Corp. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Broadview NP Acquisition, Corp., by their counsel, filed on August 11, 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 Broadview NP Acquisition, Corp. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1419. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027834. Verizon North, LLC and PAETEC Communications, Inc. Joint petition of Verizon North, LLC and PAETEC Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and PAETEC Communications, Inc., by their counsel, filed on August 11, 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 PAETEC Communications, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1420. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027836. Verizon Pennsylvania, LLC and Broadwing Communications, LLC. Joint petition of

Verizon Pennsylvania, LLC and Broadwing Communications, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Broadwing Communications, LLC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Broadwing Communications, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1421. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027840. Verizon Pennsylvania, LLC and CenturyLink Communications, LLC, d/b/a CenturyLink QCC. Joint petition of Verizon Pennsylvania, LLC and CenturyLink Communications, LLC, d/b/a CenturyLink QCC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and CenturyLink Communications, LLC, d/b/a CenturyLink QCC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and CenturyLink Communications, LLC, d/b/a CenturyLink QCC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1422. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027842. Verizon Pennsylvania, LLC and Global Crossing Local Services, LLC. Joint petition of Verizon Pennsylvania, LLC and Global Crossing Local Services, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Global Crossing Local Services, LLC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Global Crossing Local Services, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1423. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027843. Verizon Pennsylvania, LLC and Level 3 Communications, LLC. Joint petition of Verizon Pennsylvania, LLC and Level 3 Communications, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Level 3 Communications, LLC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Level 3 Communications, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1424. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027846. Verizon Pennsylvania, LLC and Looking Glass Networks, Inc. Joint petition of Verizon Pennsylvania, LLC and Looking Glass Networks, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Looking Glass Networks, Inc., by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Looking Glass Networks, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1425. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027847. Verizon Pennsylvania, LLC, TelCove Operations, LLC and TelCove of Pennsylvania, LLC. Joint petition of Verizon Pennsylvania, LLC, TelCove Operations, LLC and TelCove of Pennsylvania, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC, TelCove Operations, LLC and TelCove of Pennsylvania, LLC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and TelCove Operations, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

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 Pennsylvania, LLC, TelCove Operations, LLC and TelCove of Pennsylvania, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1426. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027848. Verizon Pennsylvania, LLC and WilTel Local Network, LLC. Joint petition of Verizon Pennsylvania, LLC and WilTel Local Network, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and WilTel Local Network, LLC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and WilTel Local Network, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1427. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027849. Verizon North, LLC and Broadwing Communications, LLC. Joint petition of Verizon North, LLC and Broadwing Communications, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Broadwing Communications, LLC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Broadwing Communications, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1428. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027850. Verizon North, LLC and CenturyLink Communications, LLC, d/b/a CenturyLink QCC. Joint petition of Verizon North, LLC and CenturyLink Communications, LLC, d/b/a CenturyLink QCC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and CenturyLink Communications, LLC, d/b/a CenturyLink QCC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and CenturyLink Communications, LLC, d/b/a CenturyLink QCC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1429. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027851. Verizon North, LLC and Level 3 Communications, LLC. Joint petition of Verizon North, LLC and Level 3 Communications, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Level 3 Communications, LLC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Level 3 Communications, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1430. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027852. Verizon North, LLC, TelCove Operations, LLC and TelCove of Pennsylvania, LLC. Joint petition of Verizon North, LLC, TelCove Operations, LLC and TelCove of Pennsylvania, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC, TelCove Operations, LLC and TelCove of Pennsylvania, LLC, by their counsel, filed on August 12, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC, TelCove Operations, LLC and TelCove of Pennsylvania, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1431. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027917. Verizon Pennsylvania, LLC and US LEC of Pennsylvania, Inc. Joint petition of Verizon Pennsylvania, LLC and US LEC of Pennsylvania, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and US LEC of Pennsylvania, Inc., by their counsel, filed on August 16, 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 US LEC of Pennsylvania, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1432. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027918. Verizon Pennsylvania, LLC and Windstream D&E Systems, Inc. Joint petition of Verizon Pennsylvania, LLC and Windstream D&E Systems, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Windstream D&E Systems, Inc., by their counsel, filed on August 16, 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 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 Pennsylvania, LLC and Windstream D&E Systems, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1433. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027920. Verizon Pennsylvania, LLC and Windstream Communications, Inc. Joint petition of Verizon Pennsylvania, LLC and Windstream Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Windstream Communications, Inc., by their counsel, filed on August 16, 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 Windstream Communications, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1434. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027923. Verizon Pennsylvania, LLC and Windstream KDL, LLC. Joint petition of Verizon Pennsylvania, LLC and Windstream KDL, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Windstream KDL, LLC, by their counsel, filed on August 16, 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 Windstream KDL, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1435. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027926. Verizon Pennsylvania, LLC and Business Telecom, Inc. Joint petition of Verizon Pennsylvania, LLC and Business Telecom, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Business Telecom, Inc., by their counsel, filed on August 16, 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 Business Telecom, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1436. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027927. Verizon North, LLC and Choice One Communications of Pennsylvania, Inc., d/b/a

EarthLink Business. Joint petition of Verizon North, LLC and Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business, by their counsel, filed on August 16, 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 Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1437. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027928. Verizon North, LLC and Windstream D&E Systems, Inc. Joint petition of Verizon North, LLC and Windstream D&E Systems, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Windstream D&E Systems, Inc., by their counsel, filed on August 16, 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 Windstream D&E Systems, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1438. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027930. Verizon North, LLC and Windstream KDL, LLC. Joint petition of Verizon North, LLC and Windstream KDL, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Windstream KDL, LLC, by their counsel, filed on August 16, 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 Windstream KDL, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1439. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027932. Verizon Pennsylvania, LLC and Talk America, LLC. Joint petition of Verizon Pennsylvania, LLC and Talk America, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Talk America, LLC, by their counsel, filed on August 17, 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 Talk America, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1440. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027933. Verizon Pennsylvania, LLC and Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business. Joint petition of Verizon Pennsylvania, LLC and Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business, by their counsel, filed on August 16, 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 Choice One Communications of Pennsylvania, Inc., d/b/a EarthLink Business joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1441. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027934. Verizon Pennsylvania, LLC and Eureka Telecom, Inc., d/b/a Eureka Networks. Joint petition of Verizon Pennsylvania, LLC and Eureka Telecom, Inc., d/b/a Eureka Networks for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Eureka Telecom, Inc., d/b/a Eureka Networks, by their counsel, filed on August 17, 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 Eureka Telecom, Inc., d/b/a Eureka Networks joint petition are

available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1442. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027935. Verizon Pennsylvania, LLC and ATX Licensing, Inc., d/b/a ATX Telecommunications Services, Inc., a CoreComm Company. Joint petition of Verizon Pennsylvania, LLC and ATX Licensing, Inc., d/b/a ATX Telecommunications Services, Inc., a CoreComm Company for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and ATX Licensing, Inc., d/b/a ATX Telecommunications Services, Inc., a CoreComm Company, by their counsel, filed on August 17, 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 ATX Licensing, Inc., d/b/a ATX Telecommunications Services, Inc., a CoreComm Company joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1443. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027937. Verizon North, LLC and Eureka Telecom, Inc., d/b/a Eureka Networks. Joint petition of Verizon North, LLC and Eureka Telecom, Inc., d/b/a Eureka Networks for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Eureka Telecom, Inc., d/b/a Eureka Networks, by their counsel, filed on August 17,

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 Eureka Telecom, Inc., d/b/a Eureka Networks joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1444. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027939. Verizon Pennsylvania, LLC and Lightship Telecom, LLC, d/b/a EarthLink Business. Joint petition of Verizon Pennsylvania, LLC and Lightship Telecom, LLC, d/b/a EarthLink Business for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Lightship Telecom, LLC, d/b/a EarthLink Business, by their counsel, filed on August 17, 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 Lightship Telecom, LLC, d/b/a EarthLink Business joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1445. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027940. Verizon North, LLC and CTC Communications Corporation, d/b/a EarthLink Business. Joint petition of Verizon North, LLC and CTC

Communications Corporation, d/b/a EarthLink Business for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and CTC Communications Corporation, d/b/a EarthLink Business, by their counsel, filed on August 17, 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 CTC Communications Corporation, d/b/a EarthLink Business joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1446. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027947. Verizon Pennsylvania, LLC and CTC Communications Corp., d/b/a EarthLink Business. Joint petition of Verizon Pennsylvania, LLC and CTC Communications Corp., d/b/a EarthLink Business for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and CTC Communications Corp., d/b/a EarthLink Business, by their counsel, filed on August 17, 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 CTC Communications Corp., d/b/a EarthLink Business joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1447. Filed for public inspection August 27, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3027948. Verizon North, LLC and US LEC of Pennsylvania, Inc. Joint petition of Verizon North, LLC and US LEC of Pennsylvania, Inc., for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and US LEC of Pennsylvania, Inc., by their counsel, filed on August 17, 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 US LEC of Pennsylvania, Inc., joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1448. Filed for public inspection August 27, 2021, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

The Susquehanna River Basin Commission lists the following Grandfathering (GF) Registration for projects under 18 CFR 806, Subpart E (relating to registration of grandfathered projects) from July 1, 2021, through July 31, 2021.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

GF Registration Under 18 CFR Part 806, Subpart E:

1. Benton Municipal Water & Sewer Authority—Public Water Supply System, GF Certificate No. GF-202107175, Benton Township, Columbia County, PA; Artesian Well No. 1; Issue Date: July 22, 2021.

2. The Procter & Gamble Paper Products Company—Mehoopany Plant, GF Certificate No. GF-202107176,

Washington Township, Wyoming County, PA; Susquehanna River and Well 4; Issue Date: July 22, 2021.

3. TTGC, Inc.—Tree Top Golf Course, GF Certificate No. GF-202107177, Mount Joy Township, Lancaster County, PA; Hole 13 Well, Hole 15 Well, Hole 17 Well and Hole 5 Pond; Issue Date: July 22, 2021.

4. Jersey Shore Steel Company—Jersey Shore Steel, GF Certificate No. GF-202107178, Pine Creek Township, Clinton County, PA; the Well and consumptive use; Issue Date: July 27, 2021.

5. West St. Clair Township-Pleasantville Borough Municipal Authority—Public Water Supply System, GF Certificate No. GF-202107179, West St. Clair Township and Pleasantville Borough, Bedford County, PA; Well 001; Issue Date: July 27, 2021.

Dated: August 16, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-1449. Filed for public inspection August 27, 2021, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from July 1, 2021, through July 31, 2021.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Water Source Approval—Issued Under 18 CFR 806.22(e):

1. The Hershey Company; Y&S Candies; ABR-202107003, East Hempfield Township, Lancaster County, PA; Consumptive use of up to 0.450 mgd; Approval Date: July 20, 2021.

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, LLC; Pad ID: ACW; ABR-201107004.R2; Leroy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 14, 2021.

2. Chief Oil & Gas, LLC; Pad ID: Belawske; ABR-201107002.R2; Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 14, 2021.

3. Chief Oil & Gas, LLC; Pad ID: Kuziak Drilling Pad # 1; ABR-201107028.R2; Fox Township, Sullivan County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 14, 2021.

4. BKV Operating, LLC; Pad ID: Giangrieco Pad; ABR-201107011.R2; Forest Lake Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 14, 2021.
5. Cabot Oil & Gas Corporation; Pad ID: GreenwoodR P2; ABR-201605002.R1; Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 14, 2021.
6. Cabot Oil & Gas Corporation; Pad ID: LopatofskyJ P1; ABR-201105015.R1; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 14, 2021.
7. Seneca Resources Company, LLC; Pad ID: DCNR 007 Pad G; ABR-201605005.R1; Shippen Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 14, 2021.
8. Chesapeake Appalachia, LLC; Pad ID: Burns; ABR-201107038.R2; Ulster Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2021.
9. Chesapeake Appalachia, LLC; Pad ID: Layton; ABR-201107037.R2; Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2021.
10. Chesapeake Appalachia, LLC; Pad ID: Oilcan; ABR-201106013.R2; Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2021.
11. Chesapeake Appalachia, LLC; Pad ID: SJW; ABR-201107003.R2; Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2021.
12. Range Resources—Appalachia, LLC; Pad ID: Shipman-Goodwill Unit # 1H—# 4H Drilling Pad; ABR-201104016.R2; Lewis Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 15, 2021.
13. Chesapeake Appalachia, LLC; Pad ID: A&M Pad; ABR-202107002; Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 19, 2021.
14. XTO Energy, Inc.; Pad ID: Buck Unit A; ABR-201107041.R2; Penn Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2021.
15. Seneca Resources Company, LLC; Pad ID: Gamble Pad R; ABR-201606001.R1; Eldred Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2021.
16. Seneca Resources Company, LLC; Pad ID: Drake 274; ABR-201106003.R2; Lawrence Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2021.
17. Range Resources—Appalachia, LLC; Pad ID: Mo-hawk South Unit Well Pad; ABR-201606002.R1; Gallagher Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2021.
18. ARD Operating, LLC; Pad ID: Larrys Creek F&G Pad C; ABR-201105014.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2021.
19. Chesapeake Appalachia, LLC; Pad ID: Fisher; ABR-201107047.R2; Wysox Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2021.
20. Chesapeake Appalachia, LLC; Pad ID: Paul; ABR-201107048.R2; Ulster Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2021.
21. Chief Oil & Gas, LLC; Pad ID: Jacobson Unit Pad; ABR-201607002.R1; Franklin Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 28, 2021.
22. Chief Oil & Gas, LLC; Pad ID: Hemlock Hunting Club B Drilling Pad # 1; ABR-201607001.R1; Elkland Township, Sullivan County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 28, 2021.
23. Seneca Resources Company, LLC; Pad ID: D08-M; ABR-201507007.R1; Norwich Township, McKean County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 28, 2021.
24. ARD Operating, LLC; Pad ID: COP Tr 285 Pad C; ABR-201007062.R2; Grugan Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 28, 2021.
25. ARD Operating, LLC; Pad ID: COP Tr 357 Pad A; ABR-201007075.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 28, 2021.
26. Chief Oil & Gas, LLC; Pad ID: Yonkin B Drilling Pad; ABR-201607003.R1; Cherry Township, Sullivan County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 29, 2021.
27. Seneca Resources Company, LLC; Pad ID: DCNR 100 Pad E; ABR-201105009.R2; McIntyre Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 29, 2021.
28. Seneca Resources Company, LLC; Pad ID: Sanchis 1129; ABR-201105017.R2; Farmington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 30, 2021.
29. ARD Operating, LLC; Pad ID: Lycoming H&FC Pad E; ABR-201105013.R2; Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 30, 2021.
30. ARD Operating, LLC; Pad ID: COP Tract 728 Pad B; ABR-201106027.R2; Watson Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 30, 2021.
31. ARD Operating, LLC; Pad ID: COP Tract 027B Pad A; ABR-201107030.R2; McHenry Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 30, 2021.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: August 16, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-1450. Filed for public inspection August 27, 2021, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Telephonic Commission Meeting

The Susquehanna River Basin Commission (Commission) will conduct its regular business meeting telephonically on September 17, 2021, at 9 a.m. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. The Commission published a document in the *Federal Register* at 86 FR 38175 (July 19, 2021), concerning its public hearing on August 12, 2021, in Harrisburg, PA.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, fax (717) 238-2436.

Supplementary Information

The business meeting will include actions or presentations on the following items: (1) adoption of proposed rulemaking and three related policies; (2) current expense budget for Fiscal Year 2023; (3) member jurisdictions allocation for 2023; (4) ratification of contracts/grants; (5) emergency certificate extension; and (6) Regulatory Program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does

take final action, notice of these actions will be published in the *Federal Register* after the meeting. Actions specific to projects will also be provided in writing directly to project sponsors.

Due to the novel coronavirus (COVID-19) orders, the meeting will be conducted digitally/telephonically and there will be no physical public attendance. The public is invited to attend the Commission's business meeting. Individuals can access the business meeting through a computer (audio and video) at <https://srbc.webex.com/srbc/j.php?MTID=m9e8859e3b62c7e3e7d22d751744c4e3b> then enter meeting number 177 753 8259 and password Sept17CommMtg. Individuals may participate telephonically by dialing (877) 668-4493 and entering the meeting number 177 753 8259 followed by the # sign.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/business-meeting.html. The comments are due to the Commission on or before September 15, 2021. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: August 16, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-1451. Filed for public inspection August 27, 2021, 9:00 a.m.]

