

# PENNSYLVANIA BULLETIN

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for the Notices

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**Latest Pennsylvania Code Reporter  
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**No. 565, December 2021**

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

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

### **How to Find Rules and Regulations**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacodeandbulletin.gov](http://www.pacodeandbulletin.gov).

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

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

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

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

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

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

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

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

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

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### Fiscal Notes

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

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

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

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## List of Pa. Code Chapters Affected

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

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 6911, 6912, 7054, 7454, 7459

# THE GOVERNOR

## GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 5 ]

[ EXECUTIVE ORDER 2021-07 ]

### Environmental Justice

October 28, 2021

*Whereas*, Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania, the Environmental Rights Amendment (ERA), provides that the “people have a right to clean air, pure water, and the preservation of the natural, scenic historic and esthetic values of the environment”; and

*Whereas*, the people’s rights under the Pennsylvania Constitution are guaranteed regardless of race, ethnicity, color, natural origin, or income; and

*Whereas*, the Commonwealth must ensure the rights and duties of Article I, Section 27 protect all the people of Pennsylvania, including generations yet to come; and

*Whereas*, all Pennsylvanians should be able to live in and enjoy a clean and healthy environment, that includes outdoor spaces, access to clean energy resources, accessible public lands, and public natural resources; and

*Whereas*, historically and currently, low-income communities and communities of color bear a disproportionate share of adverse climate and environmental impacts with accompanying adverse health impacts; and

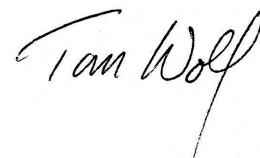
*Whereas*, all Pennsylvanians are entitled to fair and equitable treatment and meaningful involvement in decision-making that affects their environment, communities, homes, livelihoods, and health; and

*Whereas*, meaningful public participation in the Commonwealth’s environmental decision-making is necessary to reduce adverse impacts on low-income residents, communities of color, and vulnerable residents; and

*Whereas*, the Commonwealth has acknowledged the importance of Environmental Justice and, in 1999, developed a statewide Environmental Justice Work Group that produced the Environmental Justice Work Group Report, with recommendations carried out through the development of an Environmental Justice Advisory Board and an Office of Environmental Justice within the Department of Environmental Protection (DEP) to address Environmental Justice issues; and

*Whereas*, the Federal government has underscored the significance of Environmental Justice in Executive Order 14008 of January 27, 2021, *Tackling the Climate Crisis at Home and Abroad*, and prioritized Environmental Justice through actions such as development of a White House Environmental Justice Interagency Council, creation of a geospatial Climate and Economic Justice Screening Tool and maps and direction that 40 percent of Federal investments benefit disadvantaged communities.

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do order and direct:



Governor

**Fiscal Note:** GOV-2021-07. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 4. ADMINISTRATION**  
**CHAPTER 5. COUNCILS AND COMMITTEES**  
**Subchapter VVV. ENVIRONMENTAL JUSTICE**

Sec.	
5.1031.	Definitions.
5.1032.	Office of Environmental Justice.
5.1033.	Environmental Justice Advisory Board.
5.1034.	Environmental Justice Interagency Council.
5.1035.	Effective date.

**§ 5.1031. Definitions.**

The following words and phrases, when used in this subchapter, shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

*Department of Environmental Protection* or *DEP*. The Department of Environmental Protection.

*Environmental justice*. The fair treatment and meaningful involvement of all people regardless of race, color, National origin or income, with respect to the Commonwealth's development, implementation and enforcement of environmental laws, regulations and policies.

*Secretary*. The Secretary of DEP.

**§ 5.1032. Office of Environmental Justice.**

(a) *Establishment*. The Office of Environmental Justice (OEJ) is established within the Department of Environmental Protection.

(1) *Director*. The OEJ is headed by the Director who shall be appointed by and serve at the pleasure of the Secretary.

(b) *Responsibilities*.

(1) The OEJ shall make recommendations to the Secretary on the integration of environmental justice considerations throughout DEP's programs, regulations, policies and procedures, strengthening partnerships on environmental justice among Federal, State and local government agencies and enhancing research and assessment approaches to environmental justice; coordinate the Environmental Justice Interagency Council (EJIC); and staff the Environmental Justice Advisory Board (EJAB).

(2) The OEJ may establish an online repository of environmental justice information and data.

(3) The OEJ may establish an environmental justice mapping tool to examine environmental and health impacts on vulnerable communities in this Commonwealth with additional data provided by other agencies at the request of the OEJ.

(4) The OEJ shall work with other DEP program offices to identify economic development opportunities, environmental benefits and funding opportunities that do, or should, consider environmental justice in the grant awarding process.

(5) The OEJ shall develop and publish an environmental justice strategic plan (EJ Plan) every 5 years. The EJ Plan should include recommendations for advancing environmental justice, focusing attention on the environmental and public health issues and challenges confronting the Commonwealth's minority and low-income populations. The plan should also make recommendations on the integration of environmental justice considerations into existing DEP programs.

(6) The OEJ, in consultation with the EJAB, EJIC and other stakeholders, shall develop, subject to public participation requirements, a revised comprehensive environmental justice policy consistent with existing legal authority, that may include, but is not limited to the following:

(i) Develop a comprehensive Statewide definition of "environmental justice area," "cumulative environmental impacts" and "disproportionate environmental impacts."

(ii) Establish criteria for environmental justice areas.

(iii) Develop an enhanced public participation plan for environmental justice areas potentially affected by development projects, brownfield remediation, industrial operations and commercial facilities resources, that includes outreach activities that enhance public participation opportunities in environmental justice areas, includes a plan for communicating in multiple languages, includes guidelines for scheduling public meetings at locations and times convenient for neighborhood stakeholders, and which may also include resources for expert consultation.

(iv) Identify economic development opportunities, environmental benefits and other discretionary funding programs that do, or appropriately should, consider the needs of an environmental justice population in the grant process.

(v) Develop standardized mitigation or restoration practices, or both, for consideration by applicants and permit application reviewers in the permitting or cleanup context.

**§ 5.1033. Environmental Justice Advisory Board.**

(a) *Establishment.* The Environmental Justice Advisory Board (EJAB) is established within the Department.

(1) *Composition of the EJAB.*

(i) The EJAB shall consist of no fewer than 9 and no more than 15 members of the public who are appointed by the Secretary.

(ii) A chairperson shall be selected by the members of the EJAB for a term of 2 years.

(b) *Terms of membership.*

(1) Members shall be appointed for terms of 2 years and shall continue to serve thereafter until their successors have been appointed. A member may be reappointed for one or more additional terms. Members serve at the pleasure of the Secretary.

(2) Should a vacancy occur on the EJAB, the Secretary will appoint a successor; and the successor shall serve the remainder of the unexpired term.

(c) *Expenses.* Members of the EJAB shall not be compensated for their services to the EJAB, but shall be entitled to reimbursement for expenses necessarily incurred in accordance with procedures established by the Commonwealth.

(d) *Responsibilities.*

(1) The EJAB shall make written recommendations to the Secretary concerning policies, practices, and actions that DEP may implement to advance the goals of environmental justice.

(2) The EJAB shall meet at least semi-annually. The EJAB may hold public meetings at its discretion for the purposes of receiving public comments and conducting inquiries concerning environmental justice.

**§ 5.1034. Environmental Justice Interagency Council.**

(a) *Establishment.* The Environmental Justice Interagency Council (EJIC) is established.

(1) *Membership.* The EJIC shall consist of the following members:

(i) The Secretary or designee;

(ii) The Secretary of the Department of Conservation and Natural Resources or designee;

(iii) The Secretary of the Department of Education or designee;

(iv) The Secretary of the Department of Agriculture or designee;

(v) The Secretary of the Department of Health or designee;

(vi) The Secretary of the Department of Transportation or designee;

(vii) The Secretary of the Department of Community and Economic Development or designee;

(viii) Other Cabinet members or agency heads or their designees as determined by the Governor.

(b) *Meetings.* The Secretary or designee shall convene meetings of the EJIC and serve as its Chair. The first meeting of the EJIC shall be held no later than 90 days after the effective date of this subchapter. The EJIC shall meet at least semi-annually.

(c) *Actions.* The EJIC shall act in an advisory capacity and will:

(1) Review and provide input and information to DEP related to the agency's development, implementation and update of the Environmental Justice Plan (EJ Plan), including specific mechanisms for monitoring and measuring the effects of implementing the EJ Plan.

(2) Identify and make recommendations to the Governor's Office to address potential disproportionate environmental impacts that State laws, regulations, policies and activities may have on Commonwealth residents in environmental justice areas.

(3) Recommend to executive agencies processes to incorporate environmental justice considerations into decision-making.

(4) Make recommendations to the Governor's Office to ensure consistency with Federal environmental justice programs.

(5) Recommend a comprehensive environmental justice training plan for executive branch Commonwealth agencies.

(d) *Strategic plan.* Each EJIC member agency shall develop and post online every 5 years its own strategic plan to promote environmental justice in ways tailored to the specific agency and its authority, mission and programs.

**§ 5.1035. Effective date.**

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

[Pa.B. Doc. No. 21-1978. Filed for public inspection December 3, 2021, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 2 ]

### Amendments to Rules 250—252 of the Pennsylvania Rules of Judicial Administration and Adoption of Rules 260—263 of the Pennsylvania Rules of Judicial Administration; No. 561 Judicial Administration Doc.

#### Order

*Per Curiam*

And Now, this 19th day of November, 2021, it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 250—252 of the Pennsylvania Rules of Judicial Administration are amended and Rules 260—263 of the Pennsylvania Rules of Judicial Administration are adopted in the form as follows.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. 103, the immediate promulgation of the amended and adopted rules is found to be in the interest of efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2022.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 2. [ REASONABLE ACCOMMODATIONS UNDER TITLE II OF THE AMERICANS WITH DISABILITIES ACT ] DISABILITY AND LANGUAGE ACCESS DISABILITY ACCESS

#### Rule 250. Policy.

It is the policy of the Unified Judicial System (UJS) to prohibit discrimination against any individual with a disability, as defined by the Americans with Disabilities Act (“ADA”), [ 42 U.S.C. § 12131 ] 42 U.S.C. §§ 12131 *et seq.*, in accessing or participating in judicial proceedings or other services, programs, or activities of the [ Unified Judicial System ] UJS.

#### Rule 251. Scope.

These rules shall apply to each UJS entity which includes, but is not limited to, all appellate courts, judicial districts, boards, committees, and agencies under the administrative authority of the Supreme Court. These rules relating to reasonable accommodations under Title II of the ADA do not supersede either the requirements of [ 42 Pa.C.S.A. § 4401 ] 42 Pa.C.S. §§ 4401 *et seq.*, relating to Court Interpreters for Persons [ who are ] Who Are Deaf or Hard of Hearing, or the Administrative Regulations Governing [ Court Interpreters ] Language Access for Persons [ who are ] with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing, 204 Pa. Code §§ 221.101 *et seq.*

**Official Note:** The Administrative Regulations Governing [ Court Interpreters ] Language Access for Persons [ who are ] with Limited English Profi-

ciency and for Persons Who Are Deaf or Hard of Hearing [ (204 Pa. Code § 101 *et seq.*) and 42 Pa.C.S.A. § 4401 *et seq.* ] (204 Pa. Code §§ 221.101 *et seq.*) and 42 Pa.C.S. §§ 4401 *et seq.* provide standards for court interpreters in judicial proceedings. “Judicial proceeding” is defined, **in pertinent part**, as “an ‘action,’ ‘appeal’ or ‘proceeding’ in any court of this Commonwealth.” 2 Pa.C.S. § 101. Title II of the ADA requires an interpreter for the deaf or hard of hearing for all programs, services, or activities of the UJS. See [ 42 U.S.C.A. ] 42 U.S.C. § 12132; 28 C.F.R. § 35.160.

#### Rule 252. Reasonable Accommodations.

A. Each UJS entity shall develop a written policy to receive and process requests for reasonable accommodations from individuals with disabilities. The policy shall be posted on **the UJS website**, each UJS entity’s respective website, and in each [ facility ] courthouse and office in the court system.

B. All policies developed must be substantially similar to the policy appended to this Rule (Appendix A) and shall contain, at a minimum, the following elements:

1. Appointment of an ADA coordinator—the coordinator must be identified on all court or program materials and the following information shall be provided: the coordinator’s name, work address, work fax number or e-mail address, and work telephone number.

2. Notice of the right to request free accommodation(s).

3. Explanation of the process for requesting accommodation(s).

4. [ Time line ] **Timeline** for request and response.

C. Each UJS entity shall develop a form substantially similar to the one appended to this rule (Appendix A) for processing requests for reasonable accommodations.

D. Each UJS entity shall adopt and publish a grievance procedure, substantially similar to the procedure appended to this rule (Appendix B), for requests that have been denied in whole or in part. Any denial of an accommodation request based upon undue burden or fundamental alteration to services and programs shall be put in writing by the head of the entity or his or her designee and shall provide specific reasons for the denial.

[ E. Within six (6) months of the adoption of this rule, each UJS entity shall provide the Administrative Office with a copy of their ADA policy and form and their grievance procedure and form as outlined in sections A—D above. ]

**Official Note:** In 2014, each UJS entity was required to provide the Administrative Office with a copy of their ADA policy and form and their grievance procedure and form, as outlined in sections A—D above.

(Editor’s Note: The following rules are added and printed in regular type to enhance readability.)

#### LANGUAGE ACCESS

#### Rule 260. Definitions.

“Court services, programs, and activities” mean services, programs, and activities, other than judicial proceedings, that are administered under the authority of the courts, *i.e.*, provided by or contracted for by the court.

“Deaf or hard of hearing” (“DHH”) means a hearing loss or impairment of speech that creates an inability to understand or communicate the spoken English language.

“Direct victim” means an individual against whom a crime has been committed or attempted and who, as a direct result of the criminal act or attempt, suffers physical or mental injury, death, or the loss of earnings.

“Judicial proceeding” means an action, appeal, or proceeding in a court conducted by a presiding judicial officer, as defined for the purposes of these Rules.

“Language Access Plan” (“LAP”) means a plan adopted by the Supreme Court or by a judicial district, intended to fulfill the requirements of Pennsylvania and federal law relating to meaningful access to the Unified Judicial System of Pennsylvania (“UJS”).

“Limited English Proficient” (“LEP”) refers to individuals who do not speak English as their exclusive or primary language and who have a limited ability to read, speak, write, or understand English.

“Presiding judicial officer” includes justices, judges, magisterial district judges, and appointive judicial officers such as arbitrators and other like officers.

“Principal party in interest” means a person involved in a judicial proceeding who is a named party or a fiduciary for a named party; a direct victim in a criminal proceeding or a proceeding pursuant to the Juvenile Act (42 Pa.C.S. Ch. 63); or a parent, guardian, or custodian of a minor or incapacitated person who is a party, a direct victim in a criminal proceeding or a proceeding pursuant to 42 Pa.C.S. Ch. 63, or a witness.

“Vital documents” mean documents that contain or solicit information critical for obtaining access to the court, court services, and/or benefits, advise of rights or responsibilities, including the consequences of violating a court order, or are required by law.

#### Comment

See also 204 Pa. Code Ch. 221 (regulations relating to language access for persons with limited English proficiency and for persons who are deaf or hard of hearing). These terms are included here for convenience to aid in readily understanding the requirement of providing meaningful access under these Rules.

The definition of court services, programs, and activities encompasses those administered under the authority of the court, including, but not limited to, domestic relations, probation, *pro se* clinics, cases involving court-appointed counsel, or alternative dispute resolution.

Court services, programs, and activities provided by or contracted for by offices outside of the courts that have a distinct legal obligation to provide language access under Title VI of the Civil Rights Act of 1964 are not covered by these rules. Such offices include the Prothonotary, the Clerk of Courts, the Clerk of the Orphans’ Court, the District Attorney’s Office, and the Public Defender’s Office.

#### Rule 261. Policy.

A. It is the policy of the UJS to provide meaningful language access to the courts for all individuals who are Limited English Proficient (“LEP”) or deaf or hard of hearing (“DHH”) to ensure that such persons have due process and equal access to all judicial proceedings, court services, programs, and activities. Ensuring meaningful language access means providing timely, accurate, and effective language services at no cost to persons who are LEP or DHH, whether requested or not.

B. Courts must review data concerning the languages for which interpreters are most frequently requested in their courts and translate vital documents in accordance with the policy and procedures established by the Administrative Office. Oral translation of documents shall be provided when a translated document is not available.

C. A qualified interpreter shall be provided for any court services, programs, or activities involving an LEP person and in every judicial proceeding where the LEP person is one of the following:

1. a principal party in interest.
2. any person when a court finds good cause for provision of interpreter services.

D. A qualified interpreter shall be provided for any court services, programs, or activities involving a DHH person and in every judicial proceeding where the DHH person is one of the following:

1. a principal party in interest.
2. any person, including a spectator, who seeks a reasonable accommodation.

#### Comment

Equal access to the courts and effective communication in court proceedings is fundamental to the legitimacy of Pennsylvania’s system of justice and the public’s trust and confidence in the courts. Language services for individuals who are LEP or DHH are essential to ensure that they are able to fully participate in judicial proceedings and court services, programs, and activities in which their rights and interests are at stake. Moreover, the courts have an interest in ensuring the integrity of communications with LEP and DHH court users for the accurate presentation of evidence and the fair administration of justice.

The UJS is committed to ensuring meaningful access to LEP court users. Title VI of the Civil Rights Act of 1964 states that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d; see also Department of Justice regulations regarding implementation of Title VI at 28 C.F.R. § 42.101 *et seq.* (“Title VI” as used in these Rules refers collectively to the statute and its implementing regulations.)

In addition to federal law, the Pennsylvania Interpreter Act, Act 172 of 2006, requires the appointment of qualified interpreters for judicial proceedings. See 42 Pa.C.S. § 4412. Act 172 and its implementing regulations direct that interpretation must be in person, except in certain circumstances where telephone or video remote interpretation may be used. See 204 Pa. Code § 221.104 (relating to remote interpretation).

For persons who are DHH, meaningful access to the courts is required under 204 Pa. Code Ch. 221, section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.*, the Pennsylvania Interpreter Act, 42 Pa.C.S. §§ 4401 *et seq.*, and various regulations, 28 C.F.R. §§ 42.101 *et seq.* and 28 C.F.R. §§ 39.101 *et seq.*, implementing these laws.

Meaningful access to the courts also includes meaningful access to court programs, services, and activities that are administered under the authority of the courts. The providers of such programs may receive federal funding and, therefore, may be independently required under Title



VI to provide such access. In addition, there is an obligation to provide sign language interpreters and any other reasonable accommodations necessary to afford deaf and hard of hearing court users equally effective communications under the Americans with Disabilities Act, regardless of whether the vendor providing the program or service receives federal funds. A party who is LEP or DHH should not be required to participate in a program, service, or activity if the party is not able to fully participate or understand on account of language or disability. Courts should consider whether alternatives may be made available and, if not, whether a waiver of the required court program, service, or activity may be permitted.

Except in courtroom proceedings, effective communication with persons who are LEP or DHH can also be facilitated through the use of court staff who are proficient in languages other than English, in accordance with the Administrative Office's policy on bilingual employees.

**Rule 262. Scope.**

These Rules apply to every entity in the UJS, including appellate, trial, and magisterial district courts, as well as boards, committees, and offices under the administrative authority of the Supreme Court.

**Rule 263. Language Access Plans.**

A. The Court Administrator shall promulgate uniform standards for the provision of meaningful language and DHH access through the Language Access Plan ("UJS-LAP") for the UJS. The UJS-LAP shall address the early identification of the need for language or DHH services; provision of oral and written language services; maintenance of data on the need for and use of language access services; identification and translation of vital documents; and outreach and education. The UJS-LAP shall be posted on the UJS website. The UJS-LAP shall be evaluated and updated regularly.

B. The Court Administrator shall promulgate regulations to implement the Pennsylvania Interpreter Act.

C. Each judicial district shall promulgate local language access plans in conformity with a template to be provided by the Administrative Office. At a minimum, the following elements shall be included in those plans: identification of LEP court users; provision of interpreters in judicial proceedings; provision of language access to court services, programs, and activities; translation of vital documents in languages most frequently requested in their courts; and complaint procedures. Each judicial district shall review and update its language access plan to ensure that meaningful access is being provided to LEP and DHH individuals in the judicial district. Plans shall be posted on the UJS website and on the websites of the judicial districts.

**Comment**

On March 28, 2017, the Supreme Court approved the UJS-LAP providing a framework for the provision of meaningful language access for individuals who are LEP or DHH. The UJS-LAP specifies the language access requirements applicable to Pennsylvania courts and identifies steps that must be taken to fully implement language access requirements, including but not limited to:

Counsel, court staff, judges, quasi-judicial officers, and anyone aware of the need for an interpreter should notify the language access coordinator for the judicial district, or the court, of the person's need for language access services.

Courts must review data concerning the languages for which interpreters are most frequently requested in their courts and translate vital documents in accordance with the policy and procedures established by the Administrative Office. Oral translation of documents shall be provided when a translated document is not available.

The Administrative Office has developed and implemented protocols within the statewide case management systems for early identification of the need for language services, including a multilingual Notice of Language Rights form that is transmitted with hearing notices and subpoenas. Additionally, the Administrative Office has transmitted notices of the right to interpreter services for posting at courthouses and offices in the court system. The Administrative Office and the courts will continue to develop processes for documenting the need for language services as a case progresses through the UJS.

In instances when no request has been made, and a person's need for an interpreter is apparent, or the ability of a person to understand English is unclear, the presiding judicial officer shall, after conducting *voir dire*, make a determination of whether the person is LEP or DHH and, if so, require an interpreter for a judicial proceeding. A sample *voir dire* is in the "Judicial Bench Card for Working with Interpreters: Quick Reference Guide," available on the Language Access & Interpreter Program page of the UJS website, <http://www.pacourts.us>. Also posted on this page are the UJS-LAP, Pennsylvania Interpreter Act regulations, and the judicial districts' language access plans.

[Pa.B. Doc. No. 21-1979. Filed for public inspection December 3, 2021, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM  
GENERAL PROVISIONS**

**PART VII. ADMINISTRATIVE OFFICE OF  
PENNSYLVANIA COURTS**

**[ 204 PA. CODE CH. 213 ]**

**Electronic Case Record Public Access Policy of  
the Unified Judicial System of Pennsylvania**

In accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), the following amendments to the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* have been approved by the Supreme Court.

These amendments shall be effective January 1, 2022. The changes to the policy are shown in bold and underline; deletions are shown in bold and brackets.

The entire policy, including these amendments and other related information, can be found on the Unified Judicial System's public records webpage located at <http://www.pacourts.us>.

Filed in the Administrative Office of Pennsylvania Courts on November 19, 2021.

GEOFF MOULTON,  
Court Administrator of Pennsylvania

## Annex A

## TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

## PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

## CHAPTER 213. COURT RECORDS POLICIES

## Subchapter C. ELECTRONIC CASE RECORD PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

## § 213.71. Definitions.

## Section 1.00.

[ (a) ] **A.** “CPCMS” means the Common Pleas [ **Criminal Court** ] Case Management System.

[ (b) ] **B.** “Custodian” is the person, or designee, responsible for the safekeeping of electronic case records held by any court or office and for processing public requests for access to electronic case records.

[ (c) ] **C.** “Electronic Case Record” means information or data created, collected, received, produced, or maintained by a court or office in connection with a particular case that exists in the PACMS, CPCMS, **GTS**, or MDJS and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format. This definition does not include images of documents filed with, received, produced, or maintained by a court or office which are stored in PACMS, CPCMS [ **or** ], **GTS**, MDJS [ **and** ], **or** any other automated system maintained by the Administrative Office of Pennsylvania Courts.

**D. “GTS” means the Guardianship Tracking System.**

[ (d) ] **E.** “MDJS” means the Magisterial District Judge [ **Automated** ] System.

[ (e) ] **F.** “Office” is any entity that is using one of the following automated systems: [ **Pennsylvania Appellate Court Case Management System (PACMS); Common Pleas Criminal Court Case Management System (CPCMS); or Magisterial District Judge Automated System (MDJS) ] PACMS; CPCMS; GTS; or MDJS.**

[ (f) ] **G.** “PACMS” means the Pennsylvania Appellate Court Case Management System.

[ (g) ] **H.** “Party” means one by or against whom a civil or criminal action is brought.

[ (h) ] **I.** “Public” includes any person, business, non-profit entity, organization, or association.

“Public” does not include:

(1) [ **Unified Judicial System** ] **UJS** officials or employees, including employees of the office of the clerk of courts, prothonotary, **the office of the clerk of the orphans’ court division**, and any other office performing similar functions;

(2) people or entities, private or governmental, who assist the [ **Unified Judicial System** ] **UJS** or related offices in providing court services; and

(3) any federal, state, or local governmental agency or an employee or official of such an agency when acting in his/her official capacity.

[ (i) ] **J.** “Public Access” means that the public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.

[ (j) ] **K.** “Request for Bulk Distribution of Electronic Case Records” means any request, regardless of the format the information is requested to be received in, for all or a subset of electronic case records.

[ (k) ] **L.** “UJS” means the Unified Judicial System of Pennsylvania.

[ (l) ] **M.** “Web Docket Sheets” are [ **internet available** ] **Internet-available** representations of data that have been entered into a [ **Unified Judicial System supported** ] **UJS-supported** case management system for the purpose of recording filings, subsequent actions and events on a court case, and miscellaneous docketed items.

## § 213.72. Statement of General Policy.

## Section 2.00.

[ (a) ] **A.** This policy covers all electronic case records.

[ (b) ] **B.** The public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.

[ (c) ] **C.** A court or office may not adopt for electronic case records a more restrictive access policy or provide greater access than that provided for in this policy.

## § 213.73. Electronic Case Record Information Excluded From Public Access.

## Section 3.00.

The following information in an electronic case record is not accessible by the public:

[ (1) **social security numbers** ] **A. Social Security Numbers;**

[ (2) **operator license numbers** ] **B. Driver License Numbers;**

[ (3) ] **C.** victim information, including name, address, and other contact information;

[ (4) ] **D.** informant information, including name, address, and other contact information;

[ (5) ] **E.** juror information, including name, address, and other contact information;

[ (6) ] **F.** a party’s street address, except the city, state, and ZIP code may be released;

[ (7) ] **G.** witness information, including name, address, and other contact information;

[ (8) ] **H. SID [ (state identification) numbers ] (State Identification) Numbers;**

[ (9) ] **I.** financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;

[ (10) ] **J.** notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;

[ (11) ] **K.** information sealed or protected pursuant to court order;

[ (12) ] **L.** information to which access is otherwise restricted by federal law, state law, or state court rule;

[ (13) **information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice; and**

(14) ] **M.** information regarding arrest warrants and supporting affidavits until execution[ . ] ;

**N. information maintained in GTS, except aggregate, statistical, or other data that does not identify an incapacitated person, as determined by the Administrative Office of Pennsylvania Courts, may be released; and**

**O. information presenting a risk to personal security, personal privacy, or the fair, impartial, and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice.**

**§ 213.74. Requests for Bulk Distribution of Electronic Case Records.**

**Section 3.10.**

[ (a) ] **A.** To the extent that adequate resources and technical capabilities exist, a request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.

[ (b) ] **B.** To the extent that adequate resources and technical capabilities exist, a request for bulk distribution of electronic case records not publicly accessible under § 213.73 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research, or case preparation purpose.

(1) Requests of this type will be reviewed on a case-by-case basis.

(2) In addition to the request form, the requestor shall submit in writing:

[ (i) ] **a.** the purpose/reason for the request;

[ (ii) ] **b.** identification of the information sought;

[ (iii) ] **c.** explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected;

[ (iv) ] **d.** certification that the information will not be used, except for the stated purposes; and

[ (v) ] **e.** whether [ **IRB** ] **relevant Institutional Review Board** approval has been received, if applicable.

**§ 213.75. Requests for Electronic Case Record Information from Another Court or Office.**

**Section 3.20.**

Any request for electronic case record information from another court **or office** should be referred to the proper record custodian in the court or office where the electronic case record information originated. Any request for electronic case record information concerning multiple magisterial district judge courts or judicial districts should be referred to the Administrative Office of the Pennsylvania Courts.

**§ 213.76. Responding to a Request for Access to Electronic Case Records.**

**Section 4.00.**

[ (a) ] **A.** Within 10 business days of receipt of a written request for electronic case record access, the respective court or office shall respond in one of the following manners:

(1) fulfill the request, or if there are applicable fees and costs that must be paid by the requestor, notify **the** requestor that the information is available upon payment of the same;

(2) notify the requestor in writing that the requestor has not complied with the provisions of this policy;

(3) notify the requestor in writing that the information cannot be provided; or

(4) notify the requestor in writing that the request has been received and the expected date that the information will be available. If the information will not be available within 30 business days, the court or office shall notify the Administrative Office of Pennsylvania Courts and the requestor simultaneously.

[ (b) ] **B.** If the court or office cannot respond to the request as set forth in subsection (a), the court or office shall concurrently give written notice of the same to the requestor and Administrative Office of Pennsylvania Courts.

**§ 213.77. Fees.**

**Section 5.00.**

[ (a) ] **A.** Reasonable fees may be imposed for providing public access to electronic case records pursuant to this policy.

[ (b) ] **B.** A fee schedule shall be in writing and publicly posted.

[ (c) ] **C.** A fee schedule in any judicial district, including any changes thereto, shall not become effective and enforceable until:

(1) a copy of the proposed fee schedule is submitted by the president judge to the Administrative Office of Pennsylvania Courts; and

(2) the Administrative Office of Pennsylvania Courts has approved the proposed fee schedule.

**§ 213.78. Correcting Data Errors.**

**Section 6.00.**

[ (a) ] **A.** A party to a case, or the party's attorney, seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed.

[ (b) ] **B.** A request to correct an alleged error contained in an electronic case record of the Supreme Court, Superior Court, or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.

[ (c) ] **C.** A request to correct an alleged error contained in an electronic case record of the Court of Common Pleas, Philadelphia Municipal Court, or a Magisterial District Court shall be submitted and processed as set forth below.

(1) The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

(2) The request shall be submitted to the clerk of courts if the alleged error appears in an electronic case record of the Court of Common Pleas or Philadelphia Municipal Court. **If the alleged error appears in an electronic case record regarding a guardianship case, the request for correction shall be submitted to the clerk of the orphans' court division.** The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator, and the Administrative Office of Pennsylvania Courts.

(3) The request shall be submitted to the Magisterial District Court if the alleged error appears in an electronic case record of the Magisterial District Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator, and the Administrative Office of Pennsylvania Courts.

(4) The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts, including supporting documentation that corroborates the requestor's contention that the information in question is in error.

(5) Within 10 business days of receipt of a request, the clerk of courts, **clerk of the orphans' court division**, or Magisterial District Court shall respond in writing to the requestor, all parties to the case, and **the** Administrative Office of Pennsylvania Courts, in one of the following manners:

[ (i) ] **a.** the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.

[ (ii) ] **b.** the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.

[ (iii) ] **c.** it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.

[ (iv) ] **d.** it has been determined that an error does not exist in the electronic case record.

[ (v) ] **e.** the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.

(6) A requestor has the right to seek review of a final decision under subsection 5(i)—(iv) rendered by a clerk of courts, **clerk of the orphans' court division**, or [ **a** ] Magisterial District Court within 10 business days of notification of that decision.

[ (i) ] **a.** The request for review shall be submitted to the District Court Administrator on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

[ (ii) ] **b.** If the request for review concerns a Magisterial District Court's decision, it shall be reviewed by the judge assigned by the President Judge.

[ (iii) ] **c.** If the request for review concerns a **decision of a clerk of [ courts' decision ] courts or a clerk of the orphans' court division**, it shall be reviewed by the judge who presided over the case from which the electronic case record alleged to be in error was derived.

#### § 213.79. Continuous Availability of Policy.

##### Section 7.00.

A copy of this policy shall be continuously available for public access in every court or office that is using [ **the** ] PACMS, CPCMS, [ **and/or** ] GTS, or MDJS.

#### EXPLANATORY REPORT

##### Amendments to the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania

Effective January 1, 2022, upon the recommendation of the Administrative Office of Pennsylvania Courts, the Court amended Sections 1.00, 3.00, 3.10, 6.00, and 7.00 of the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania (ECR Policy)* to incorporate electronic case record information residing in the Guardianship Tracking System (GTS). GTS is a statewide application for courts to manage guardianship

cases and track guardian compliance with annual reporting, and an online means of filing required reports by Pennsylvania guardians. The amendments are detailed below.

Section 1.00 has been amended to include a definition for GTS. The definitions for "electronic case records" and "office" were also amended to include GTS. In addition, the office of the clerk of the orphans' court division has been added to the list of entities that are not included in the definition of "public."

Section 3.00 has been amended to provide that information maintained in GTS is not accessible by the public, except for aggregate, statistical, and/or other data that does not identify an incapacitated person, as determined by AOPC. Information that would be accessible under the *ECR Policy* includes, for example: the name of guardians, whether a guardian has been paid, and when a guardian is terminated. The release of aggregate, statistical data that does not identify incapacitated persons reflects the general philosophy that detailed information in these sensitive cases should be safeguarded, while reinforcing the Judiciary's commitment to open and accessible case records. See also the provisions in the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Case Records Policy)* regarding individual cases. Given the extensive financial, medical, and related sensitive information provided to a court in guardianship matters, these records are generally inaccessible pursuant to the *Case Records Policy* and other relevant legal authority. See, e.g., 20 Pa.C.S. § 5511(a) and *In re Estate of DuPont*, 2 A.3d 516 (Pa. 2010) (Proceedings related to the appointment of guardianship for incapacitated persons shall be closed to the public upon request of the alleged incapacitated person or his/her counsel). The amendments also include a reorganization of Section 3.00 for clarity.

The abbreviation of "IRB" appearing in Section 3.10(B)(2)(e) was replaced with "relevant Institutional Review Board."

Section 6.00(C) has been amended to clarify that requests to correct an alleged error in an electronic case record in GTS must be submitted to, and responded to by, the clerk of the orphans' court division. When the *ECR Policy* was originally implemented in 2007, the "Commentary" to Section 6.00 provided in part:

An important aspect of transparent electronic case records and personal privacy/security is the quality of information in the court record. The information in the UJS electronic case records should be complete and accurate, otherwise incorrect information about a party to a case or court proceeding could be disseminated. . . .

The power of the court to correct errors in its own records is inherent. Equity enjoys flexibility to correct **court errors** [emphasis added] that would produce unfair results. . . .

. . . [T]his section permits a party to "fix" information that appears in an electronic case record which does not, for one reason or another, correctly set forth the facts contained in the official court record. . . .

It is anticipated that those reviewing alleged errors [will] compare the information set forth in the electronic case record against official court record. If the information in the electronic case record and official court record is consistent, the request to correct the electronic case record should be denied. If the information is not consistent, the reviewer should determine, what, if any, corrections are needed to the electronic case record.

Reports and inventories filed by the guardian with the court, even when containing errors, are a part of the court's official record. A party cannot use Section 6.00 to amend a party-filed document with the court which is a part of the court's official record.

"Court errors", such as data entry mistakes made by a member of the court staff which are readily apparent when reviewing the information in the electronic case record with the information residing in the court's official record, are the focus of Section 6.00. When such an error is alleged by a party or party's attorney, a review of the official record is necessary. Hence, the proper entity to perform a review of an error in GTS is the clerk of the orphans' court division that maintains the official court record.

In addition, Section 7.00 has been amended to include that a copy of the *ECR Policy* shall be continuously available for public access in every court or office using GTS.

[Pa.B. Doc. No. 21-1980. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 221 ]

#### Court Interpreters for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing

Under 42 Pa.C.S. §§ 4411 and 4431, the Court Administrator is required to promulgate guidelines pertaining to the selection and use of qualified interpreters for persons with limited English proficiency and persons who are deaf or hard of hearing in all court proceedings within the Unified Judicial System.

In accordance therewith, 204 Pa. Code § 221 is hereby amended in the following form and is effective January 1, 2022. The regulations can be found on the language access and interpreter program webpage located at <http://www.pacourts.us/judicial-administration/court-programs/language-access-and-interpreter-program>.

Filed in the Administrative Office of Pennsylvania Courts on November 22, 2021.

GEOFF MOULTON,  
*Court Administrator of Pennsylvania*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

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

##### Subchapter 1. GENERAL PROVISIONS

#### § 101. Scope.

These regulations are enacted under the Language Access Plan for the Unified Judicial System (UJS-LAP) and 42 Pa.C.S. §§ 4411 and 4431 (relating to

duties of Court Administrator) and shall govern the appointment and use of interpreters for persons with limited English proficiency and persons who are deaf or hard of hearing in all court proceedings within the Unified Judicial System (UJS).

#### Comment

See also Rules 250—252 and 260—263 of the Pennsylvania Rules of Judicial Administration regarding disability and language access.

#### § 102. Definitions.

For purposes of these regulations:

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

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

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

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

(e) *Direct victim* means an individual against whom a crime has been committed or attempted **and who, as a direct result of the criminal act or attempt, suffers physical or mental injury, death, or the loss of earnings.**

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

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

(h) *Interpret* means either:

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

(2) within the context of court interpreters for persons who are deaf or hard of hearing, to convey spoken English in a manner understood by the deaf or hard of hearing person through, but not limited to, American Sign Language and transliteration or any other process, procedure, or means of communication used to convey the communications made by the deaf or hard of hearing person into spoken English.

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

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

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

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

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

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

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

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

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

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

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

[ (r) ] **(s)** *Transliteration* means to convey spoken or written English in an English-based sign **language** system **[ and the process of conveying an English-based sign system in spoken or written English ]**.

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

#### Comment

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

The definition of "Certified Interpreter" set forth in subsection (b) contains the requirement that the interpreter be certified by the Court Administrator. An interpreter who is certified pursuant to another jurisdiction or organization's policies is **[ nonetheless ]** not a certified interpreter under these regulations if that individual has

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

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

**References related to transliterators can be found in Schedule F (Pennsylvania Rules of Professional Conduct for Judiciary Interpreters.) Oral transliteration means conveying spoken English by using speech reading and not sign language. Please note that it differs from "transliteration," as defined above, in that it does not use sign language.**

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

See 42 Pa.C.S. § 6302, defining "custodian" as "[a] person other than a parent or legal guardian, who stands in loco parentis to the child, or a person to whom legal custody of the child has been given by order of a court." See also **[ Pa.R.C.P. ] Pa.R.Civ.P. 76**, which defines fiduciaries to include "an executor, administrator, guardian, committee, receiver, trustee, assignee for the benefit of creditors, and any other person, association, partnership, or corporation, acting in any similar capacity." **[ Pa.R.C.P. ] Pa.R.Civ.P. 2051** defines "incapacitated person" to include "an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that the person is partially or totally unable to manage financial resources or to meet the essential requirements for physical health and safety."

#### § 103. Confidentiality of Communications.

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

tial communication as provided by any statute or general rule, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

#### § 104. Remote Interpretation.

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

(b) Telephonic interpretation.—If neither a certified nor otherwise qualified interpreter can be found to interpret in person or by remote technology allowing for two-way simultaneous communication of image and sound, one may be appointed to interpret remotely via telephone, provided the judicial proceeding[ : ] is expected to be short, lasting no more than 30 minutes [ in duration; is non-evidentiary; and does not involve more than one interpreter ]. Priority should be given to interpreters from AOPC's Interpreter Certification Program (ICP) roster. If neither a certified nor otherwise qualified interpreter can be found to interpret via telephone, the court may utilize a telephone interpreter provided by a commercial telephone interpreter service. Prior to utilizing any telephonic interpreter, the court must conduct a *voir dire* to determine his or her qualifications, unless the interpreter has been previously used by, and his or her qualifications are known to, the court.

(c) Exceptions.—Preliminary arraignments pursuant to Rule of Criminal Procedure 540 and proceedings for emergency orders under the Protection from Abuse Act [ (23 Pa.C.S. § 6101 *et seq.*) ] (23 Pa.C.S. §§ 6101 *et seq.*), the Protection of Victims of Sexual Violence or Intimidation Act (42 Pa.C.S. §§ 62A01 *et seq.*), and the Older Adults Protective Services Act [ (35 P.S. § 10225.101 *et seq.*) ] (35 P.S. §§ 10225.101 *et seq.*) may be conducted via remote technology without regard to subsections (a) and (b) above, except that a *voir dire* still must be conducted to determine the interpreter's qualifications, unless the interpreter is a certified interpreter from AOPC's ICP roster or has been previously used by, and his or her qualifications are known to, the court.

#### Comment

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

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

#### § 105. Waiver of Interpreter.

(a) Waiver by a principal party in interest.—A principal party in interest with limited English proficiency or [ party ] who is deaf or hard of hearing may waive the right to an interpreter, provided the waiver is conducted in the presence of the presiding judicial officer and the party seeking to waive is represented by counsel or has knowingly waived the right to counsel. The presiding judicial officer shall ascertain from the principal party in interest with limited English proficiency or [ party ] who is deaf or hard of hearing whether the waiver is knowing, voluntary and intelligent and that the waiver will not impede the party's communication with the court and the fact finder. If the judicial proceeding is conducted in a court of record, the foregoing determination shall be made on the record. The principal party in interest with limited English proficiency or [ party ] who is deaf or hard of hearing must be provided with an interpreter during the waiver process. In addition, the waiver shall be in writing signed by the principal party in interest with limited English proficiency or [ party ] who is deaf or hard of hearing, with a representation that the party was told of the right to an interpreter and that the party chose not to have an interpreter at the judicial proceeding. The written waiver shall be on the form provided by the Court Administrator for this purpose and shall be made part of the record of the judicial proceeding. If the presiding judicial officer subsequently determines that an interpreter is necessary, he or

**she shall proceed pursuant to § 204(b) (relating to determination of need for interpreter).**

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

**Comment**

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

**§ 106. Oath for Interpreters.**

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

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

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

**Comment**

**See Pa.R.E. 604 (Interpreter qualifications and oaths).**

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

(a) *General rule.*—An interpreter appointed pursuant to § [ **203** ] **205 (relating to appointment of interpreters)** for a principal party in interest or a witness is entitled to a reasonable fee for interpreter services and shall be reimbursed for actual and reasonable expenses by the county of the court or the appellate court that has jurisdiction over the judicial proceeding in accordance with the compensation schedule approved by the Court Administrator pursuant to 42 Pa.C.S. § 4411(d). In no

event shall the costs of providing interpreter services be the responsibility of the person who is limited English proficient (**LEP**).

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

**Comment**

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

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

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

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

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

[ (b) ] *Payment determination of costs related to appointment of interpreters for immediate family members.*—Disposition of all or part of the cost of providing an interpreter appointed in accordance with § 203(d) (interpreter for immediate family members) shall be in the discretion of the court that has jurisdiction over the judicial proceeding and in accordance with the compensation schedule approved by the Court Administrator. If the principal party in interest is indigent, the cost of providing interpreter services shall be the responsibility of the county of the court or the appellate court that has jurisdiction over the judicial proceeding for which the interpreter was appointed. The presiding judicial officer may order reimbursement to



the county or the appellate court for its responsibilities under this chapter. In no event shall the cost of providing interpreter services be the responsibility of the person who is deaf or hard of hearing. ]

#### Comment

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

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

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

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

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

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

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

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

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

(3) If the person with limited English proficiency or person who is deaf or hard of hearing is a direct victim, notice of the need for an interpreter shall be given by the Commonwealth as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appel-

late Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

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

(b) Form and content of notice.—

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

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

(i) party and case identifying information; and

(ii) for a person with limited English proficiency, the language spoken (specifying any particular dialect or regional version) and the country of origin; or

(iii) for a person who is deaf or hard of hearing, the type of sign language or method of communication used, the country of origin (if a foreign sign language is used to communicate), and a description of any educational, physical, mental or other particular condition which may limit the person's ability to communicate.

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

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

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

#### Comment

Subsection (a) requires that notice be given as soon as practicable after learning of the need. The fact that no specific time limit is given is in recognition of the fact that situations may arise in which significant advance notice is not feasible. Nevertheless, the party responsible for giving notice under these regulations or anyone aware of the need must notify the presiding judicial officer or Appellate Court Prothonotary/District Court Administrator or his or her designee as soon as the need for an interpreter is known so as to avoid unnecessary delay.

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

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

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

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

#### § 202. Determination of Need for Interpreter.

(a) Proceedings to determine need for an interpreter.—If, after considering the notice of need, the presiding judicial officer requires additional information in order to make the determination, he or she may request any additional filings from the parties or conduct any proceedings he or she deems necessary including, but not limited to, conducting the *voir dire* for determination of need for an interpreter for persons with limited English proficiency established by the Court Administrator. If the Appellate Court Prothonotary/District Court Administrator or his or her designee requires additional information, he or she may request additional information and may request that the presiding judicial officer conduct proceedings to determine the need for an interpreter.

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

#### Comment

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

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

#### § 203. Appointment of Interpreters.

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

(b) Appointment of an otherwise qualified interpreter.—

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

(i) Persons with limited English proficiency.—

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

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

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

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

(ii) Persons who are deaf or hard of hearing.—

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

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

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

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

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

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

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

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

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

(e) Persons who are not to be appointed as interpreters.—Under no circumstances should the pre-

siding judicial officer appoint a family member of the person with limited English proficiency or person who is deaf or hard of hearing, a witness, party, or other persons who may have an interest in the outcome of a judicial proceeding or those who may be perceived to have an interest in the outcome (i.e., police officers, sheriff's deputies, constables, etc.) to act as an interpreter for that person.

#### Comment

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

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

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

(b) Every hearing notice or subpoena for any judicial proceeding must include a Notice of Language Rights. This notice shall inform the recipient of the right to a court-appointed interpreter at no cost and the process for requesting one.

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

#### Comment

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

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

(a) The following persons shall give notice to the court when a person has limited English proficiency or is deaf or hard of hearing and requires an interpreter for any judicial proceeding:

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

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

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

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

(c) Notice to the court pursuant to this section may be made to the presiding judicial officer, the language access coordinator (LAC), or, for persons who are deaf or hard of hearing, the Americans with Disabilities (ADA) coordinator, for the judicial district in which the proceeding will be held, or the Appellate Court Prothonotary/District Court Administrator or his or her designee, and should contain the information required in subsection (d)(2).

(d) Form and content of notice.—

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

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

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

Comment

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

Subsection (a) requires that notice be given without delay or as soon as practicable after learning of the need. The fact that no specific time limit is given is in recognition of the fact that situations may arise in which significant advance notice is not feasible. Nevertheless, the party responsible for giving notice under these regulations or anyone aware of the need must notify the presiding judicial officer or Appellate Court Prothonotary/District Court Administrator or his or her designee as soon as the need for an interpreter is known so as to avoid unnecessary delay.

Subsection (d)(1) makes clear that notice on the form provided by the Court Administrator is the

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

§ 203. Procurement of Certified or Otherwise Qualified Interpreters.

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

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

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

Comment

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

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

Subsection (a) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to follow the Court Administrator's guidelines for appointing a certified interpreter and to make the necessary arrangements to secure the interpreter's services for the judicial proceeding if one is found. If a certified interpreter cannot be found, subsection (b) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to obtain an otherwise qualified interpreter in the manner provided in the Court Administrator's guidelines. In procuring either a certified or otherwise qualified interpreter, and when the person requiring the interpreter is a person with limited English proficiency, the Appel-

late Court Prothonotary/District Court Administrator or his or her designee may obtain the services of an interpreter to interpret remotely subject to the limitations of § 104. In the event that neither a certified nor an otherwise qualified interpreter can be procured, the Appellate Court Prothonotary/District Court Administrator or his or her designee shall contact the AOPC for guidance.

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

#### § 204. Determination of Need for Interpreter.

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

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

#### Comment

Presiding judicial officers, the Appellate Court Prothonotary/District Court Administrator, or the designees of the Appellate Court Prothonotary/District Court Administrator taking action under this section must do so in compliance with the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the regulations promulgated thereunder, 28 C.F.R. §§ 42.101 *et seq.*, as well as the stated purpose of 42 Pa.C.S. Ch. 44 (relating to court interpreters). See 42 Pa.C.S. § 4401 (relating to legislative findings and declaration).

Presiding judicial officers, the Appellate Court Prothonotary/District Court Administrator, or the designees of the Appellate Court Prothonotary/District Court Administrator taking action under this section must also take care not to ask questions that would violate Rules 250 through 252 of

the Pennsylvania Rules of Judicial Administration or the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 *et seq.* Specifically, persons with disabilities need not submit documentation to establish proof of their disability. Furthermore, in compliance with the ADA's provisions on effective communication, judicial district ADA coordinators and judges must give primary consideration to the means of communication requested by the deaf or hard of hearing court user when making arrangements to accommodate that individual. For example, judges may ask a deaf or hard of hearing litigant whether they use American Sign Language, need a Certified Deaf Interpreter, or prefer CART (Communication Access Realtime Translation) in order to participate effectively in the proceeding.

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

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

#### § 205. Appointment of Interpreters.

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

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

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

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

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

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

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

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

**(ii) Persons who are deaf or hard of hearing.—**

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

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

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

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

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

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

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

(c) *Additional interpreter(s).*—After consideration of the type and length of the judicial proceeding and the number of persons requiring interpreters involved, the presiding judicial officer may appoint, as provided for in subsections (a) and (b), an

additional interpreter or provide for additional interpretation in a manner deemed appropriate by the presiding judicial officer. The presiding judicial officer should appoint a team of interpreters in the following circumstances: where a bench trial, jury trial, or other judicial proceeding is expected to last longer than two hours; in capital cases; in cases involving complex subject matter and expert witnesses; or whenever three or more persons need the services of the interpreter and there is no simultaneous remote interpreting equipment available in the courtroom. In making this determination, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of additional interpreters for persons with limited English proficiency or who are deaf or hard of hearing.

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

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

**Comment**

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

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

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

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

(1) fails to follow the standards prescribed by law, by the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator, or the NAD-RID code of professional conduct or any other professional

organization regulating the interpreter, by engaging in conduct such as, but not limited to:

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

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

(iii) failing to reveal potential conflicts of interest;

(iv) misrepresenting his or her credentials; or

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

(2) is unable to effectively communicate with the presiding judicial officer or the person with limited English proficiency or **[ the person ]** who is deaf or hard of hearing, including where the interpreter self-reports such inability.

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

#### Comment

Subsection (b) requires that a presiding judicial officer inform the Court Administrator whenever an interpreter has to be removed for failing to follow standards prescribed by law or the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator, the NAD-RID code of professional conduct, or any other professional organization regulating the interpreter. This mandatory reporting requirement allows the Court Administrator to enforce the applicable standards and Rules of Professional Conduct for Judiciary Interpreters. In addition to reporting violations resulting in removal of a court interpreter, the presiding judicial officer is encouraged to report any other suspected violations of legal standards, the Rules of Professional Conduct for Judiciary Interpreters, failure to follow Interpreter Certification Program guidelines, the Sign Language Interpreter and Transliterator State Registration Act, **[ 63 P.S. § 1725.1 et seq. ] 63 P.S. §§ 172531 et seq.**, and the standards of the Department of Labor and Industry's Office of the Deaf and Hard of Hearing (ODHH), even if the suspected violations are not sufficient to cause the presiding judicial officer to remove the interpreter.

### Subchapter 3. CERTIFICATION REQUIREMENTS

#### § 301. Interpreter Certification Requirements.

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

#### § 302. Registration.

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

#### Comment

**[ As of January 1, 2010, only ] Only** registered interpreters who have attended an orientation workshop,

passed the written examination, and passed **[ the simultaneous part of ] all oral [ examination, ] examinations required for their language of expertise** can work in the Unified Judicial System **[ pending the outcome of their certification process ] (UJS)**. Registration forms are available on the **[ ICP web site: [www.pacourts.us/t/aopc/courtinterpreterprog](http://www.pacourts.us/t/aopc/courtinterpreterprog) ] Language Access & Interpreter Program page of the UJS website, <http://www.pacourts.us>.**

#### § 303. Orientation Workshop.

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

#### § 304. Examinations.

(a) Written examination.—After completing the orientation workshop, interpreters are eligible to take the written examination. The written exam is designed to measure the interpreter's general English language proficiency and usage, knowledge of court-related terms, and familiarity with ethical and professional conduct.

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

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

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

#### Comment

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

(b) Oral proficiency examination.—

(1) Foreign language interpreters.—Interpreters who pass the written examination must next take an oral proficiency examination. The type and format of the proficiency examination depends on the language interpreted and whether there is a full or abbreviated profi-

ciency examination available in that language. Interpreters who interpret more than one language must be certified in each language.

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

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

(A) pass an oral proficiency interview in their foreign language in which the interpreter's foreign language skills are evaluated by expert raters during the course of a [ **telephone based** ] **telephone-based** interview session. Details of the oral proficiency interview are contained in Schedule C of these regulations;

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

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

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

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

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

(i) be certified by [ **RID or NAD** ] **Register of Interpreters for the Deaf (RID), Texas Board for Evaluation of Interpreters (BEI), or National Association for the Deaf (NAD)**;

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

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

### § 305. Criminal Background Check.

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

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

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

### § 306. Interpreter Classification.

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

#### Comment

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

### § 307. Interpreter Rules of Professional Conduct.

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

#### Comment

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

### § 308. Age Requirement.

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

### § 309. Fees.

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

### § 310. Renewal of Certification.

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

(a) Complete 16 continuing education (CE) units within the two-year compliance period. CE [ **credits** ] **units**



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

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

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

(d) Pay the renewal fee.

#### § 311. Waiver and Reciprocity of Examination Requirements.

(a) Interpreters certified in another [ **Consortium member** ] state **that is a member of the National Center for State Courts (NCSC) Language Access Services Section**.—Any interpreter who has successfully completed all the requirements of the oral proficiency examination administered in accordance with the standards of [ **the Consortium for State Court Interpreter Certification in another Consortium** ] **another NCSC Language Access Services Section member** state may apply for reciprocity. The interpreter must have obtained a minimum of **80 percent in the multiple choice written exam and 70 percent [ of ]** in all parts of the oral proficiency examination and obtain a letter from the [ **State's** ] **state's** program manager certifying the results. These interpreters must also comply with all additional program requirements.

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

### Subchapter 4. DISCIPLINARY PROCEDURES

#### § 401. Scope.

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

These procedures apply to complaints about roster interpreters who have allegedly engaged in unethical [ **or** ], unprofessional, **or criminal** conduct in the course

of performing their interpreter duties and, in some instances, of unethical conduct outside the scope of interpreting.

#### Comment

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

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

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

(a) violation of the Rules of Professional Conduct for Judiciary Interpreters;

(b) conviction of a felony or misdemeanor involving moral turpitude, dishonesty, or false statements;

(c) fraud, dishonesty, or corruption related to the functions and duties of a court interpreter;

(d) knowing misrepresentation of court certification or roster status;

(e) knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity as a court interpreter;

(f) unprofessional or unethical conduct;

(g) fraud or misrepresentation in obtaining or renewing certification status;

(h) non-compliance with continuing education requirements;

(i) non-payment of renewal fees; or

(j) disciplinary action taken in conjunction with the interpreter's services in another jurisdiction.

#### § 403. Reporting of [ **Arrest** ] **Criminal Investigation/Prosecution** or Discipline.

An interpreter who [ **is arrested** ] **receives notice that he or she is the subject of any federal or state criminal investigation or prosecution through a target letter, a subject letter, a presentment, an indictment, an arrest, a summons, a complaint, other legal process, or any other means from the investigating or prosecuting authority**, in any jurisdiction or has been disciplined by the interpreter program of any other jurisdiction shall report the [ **arrest** ] **notice** or discipline, **unless precluded by order of court**, to the ICP within forty-eight hours of [ **the arrest or** ] receiving notification [ **of the** ] **or** discipline and shall provide, upon request of the ICP, any pertinent information related to the [ **arrest** ] **notification** or discipline.

#### § 404. Disciplinary Procedures.

(a) Lodging a complaint against an interpreter subject to these procedures.—A complaint must be submitted to the ICP in writing on a standard complaint form signed by the complainant. The complaint shall include a description of the alleged improper activity and the identity

of any witnesses. Any person, including the ICP Administrator, may initiate a complaint.

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

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

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

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

When, after an investigation, the ICP Administrator determines that a violation of the Rules of Professional Conduct for Judiciary Interpreters has occurred and that sufficient grounds exist to support the allegations in the complaint, the ICP Administrator will submit a report of the findings in writing to the complainant and the interpreter including which policies have been violated and whatever sanctions are considered to be appropriate.

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

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

before a hearing officer designated by the Court Administrator. A request for a hearing must be included in the petition for review.

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

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

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

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

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

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

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

(h) Decision.—Within 60 days after the hearing, the hearing officer shall advise the interpreter and the complainant via certified United States mail of his or her action on the complaint. If the hearing officer's action includes sanctions, the hearing officer shall specifically enumerate the sanctions [ , ] **and** the reason for such sanctions [ **and the interpreter's right to appeal** ]. If the sanctions include suspension or revocation of the interpreter's certification or roster status or placing the interpreter in a lower qualification or skill level on the roster, the hearing officer shall specify the conditions and timeframe within which the interpreter may apply for reinstatement of his or her prior certification or roster status and any conditions that must be met.

#### § 405. Disciplinary Dispositions.

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

(b) Notification.—All decisions of the hearing officer shall be in writing and maintained on file with the ICP

and, if adverse to the interpreter, shall contain factual findings supporting the decision. A copy of the decision shall be sent to the interpreter via certified United States Mail to the latest address listed with the ICP and by mail to the complainant.

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

- (i) issuing a private or public reprimand;
- (ii) requiring that specific remedial education courses be taken;
- (iii) requiring that one or more portions of the certification examination or the certification requirements be successfully taken or retaken;
- (iv) requiring that the interpreter's work be supervised;
- (v) limiting the scope of practice or services the interpreter can provide;
- (vi) placing the interpreter at a lower qualification or skill level on the roster;
- (vii) requiring restitution, costs, or expenses to be paid;
- (viii) suspension of certification and/or roster status for a period not to exceed one year; or
- (ix) revocation of certification or roster status.

#### § 406. Reinstatement.

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

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

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

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

#### § 407. Confidentiality.

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

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

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

#### Schedule A

##### Interpreter Orientation Workshop

#### Topics Covered by the Interpreter Orientation Workshop

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

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

#### Faculty for the Interpreter Orientation Workshop

The Interpreter Orientation workshops will be taught by qualified professional trainers who are [ **Federally and RID** ] either federally, state, Texas Board of Evaluation of Interpreters (BEI), or Register of Interpreters for the Deaf (RID) certified interpreters and possess vast experience in the field of legal interpreting.

#### Schedule B

##### Written Interpreter Certification Examination

#### Multiple Choice: questions; passing requirements; time allotted.

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

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

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

#### Schedule C

##### Oral Proficiency Examination

**Content of the Full Oral Proficiency Examination.**  
The full oral proficiency exam consists of three parts:

simultaneous interpretation, consecutive interpretation, and sight translation. For languages in which there is only an abbreviated exam, one or more of these segments has not yet been developed.

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

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

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

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

**1. Full examination:** Arabic [ (Modern Standard) ], Cantonese, **Filipino (Tagalog)**, French, Haitian Creole, Hmong, [ **Ilocano, Italian** ] **Khmer**, Korean, [ **Lao-tian,** ] Mandarin, [ **Marshallese,** ] Polish, Portuguese, Russian, [ **Somali,** ] Spanish, and Vietnamese

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

Oral Proficiency Interview **and Versant Spoken English test** for Languages in Which There is no Full or Abbreviated Oral Proficiency Examination.

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

**Candidates must also pass the Versant Spoken English language test. This test evaluates the spoken English skills of non-native speakers. It is administered in the same manner as the oral proficiency interview. Candidates must travel to a se-**

**cure location where, after verifying their identity, they take the test online on a computer. The 15-minute test is automated and the candidate's responses are recorded in six areas: reading, sentence construction, vocabulary, fluency, pronunciation, and overall comprehension. The minimum passing score is 47.**

#### **Administration of Oral Proficiency Examinations.**

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

**2. Abbreviated oral proficiency examination.** Interpreters in languages for which only an abbreviated examination exists will be given the simultaneous portion first, if there is one. If no simultaneous part exists, they will take whatever portions are available, either the consecutive part, the sight part, or both. The scores of any portion passed can be carried forward for a maximum of two years. The same version of the examination can be taken a maximum of two times and the examination cannot be repeated more than once in a [ **ten-month** ] **six-month** period.

#### **Retaking Part of the Oral Proficiency Examination.**

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

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

[ **RID or NAD Certificates for Legal Interpretation** ] **Register of Interpreters for the Deaf (RID), the Texas Board of Evaluation of Interpreters (BEI), or National Association for the Deaf (NAD) Certificates for Legal Interpretation.**

- Specialist Certificate-Legal (SC-L)
- Combined Certificate of Interpretation and Transliteration (CI/CT)
- Comprehensive Skills Certificate (CSC)

- National Interpreter Certification (NIC)
- Certified Deaf Interpreter (CDI)
- Conditional Legal Interpreting Permit-Relay (CLIP-R)
- Individual CI or CT
- NAD V Master
- NAD IV Advanced

• **BEI Court Interpreter Certification**

**Interpreters with a Court Interpreter Certification from BEI must comply with all qualifications and requirements for either hearing or deaf candidates listed in BEI Handbook Section 4.2.1 (Qualifications and Requirements for Court Interpreter Certification). See <https://www.hhs.texas.gov/>.**

**Schedule D**

**Interpreter Classification Tables**

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

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

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

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

**3. Sign Language Interpreters and Interpreters for the Deaf.**

CRITERIA	CLASSIFICATION			
	Certified		Otherwise Qualified	
	Master	Certified	Qualified	Registered
Written Exam	85% or higher	80% or higher	80% or higher	80% or higher
RID Certification	SC/L	CI/CT, CDI, CLIP-R, CSC, NIC	CI or CT, or any other relevant	Any other relevant RID certificate
<b><u>BEI Certification</u></b>	<b><u>BEI Court Interpreter Certification</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>
NAD Certification	None	NAD V	NAD IV	Any other relevant NAD certificate
Register with ODHH	Yes	Yes	Yes	Only if holding a RID certificate

CRITERIA	CLASSIFICATION			
	Certified		Otherwise Qualified	
	Master	Certified	Qualified	Registered
Attempt to obtain relevant legal certificate	Not applicable	As necessary	As necessary	As necessary
Provide evidence of certification	Yes	Yes	Yes	Yes

## Schedule E

## Interpreter Certification Program Fees

EVENT	APPLIES TO	IN-STATE	OUT-OF-STATE
Registration	All interpreters	No charge	No charge
Orientation Workshop	All interpreters	\$150	\$175
Written Examination	All interpreters (except those qualifying for reciprocity)	\$50	\$75
<b>Language Assessment Exercise Retakes</b>	<b>Interpreters in languages with a full or abbreviated NCSC test</b>	<b>\$25</b>	<b>\$25</b>
Oral Exam—Simultaneous	Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)	\$100	\$125
Oral Exam—Consecutive & Sight	Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)	\$150	\$175
<b>Oral Exam—Full test</b>	<b>Interpreters in languages with a full NCSC test (except those who qualify for reciprocity)</b>	<b>\$250</b>	<b>\$300</b>
<b>Oral Exams Retakes—Any one part</b>	<b>Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)</b>	<b>\$100</b>	<b>\$125</b>
<b>Oral Exams Retakes—Any two parts</b>	<b>Interpreters in languages with a full or abbreviated NCSC test (except those who qualify for reciprocity)</b>	<b>\$150</b>	<b>\$175</b>
Oral Proficiency Interview	Interpreters [ of ] in languages for which there is no [ Consortium ] NCSC full or abbreviated oral exam	[ \$143 ] \$139*	[ \$143 ] \$139*
<b>Versant English Test</b>	<b>Interpreters in languages for which there is no NCSC full or abbreviated oral exam</b>	<b>\$32.95*</b>	<b>\$32.95*</b>
Registration of RID, BEI or NAD certifications	Sign language interpreters only	\$25	\$25
Background check	All interpreters	No charge	No charge
Registration of out-of-state certification	Interpreters applying for reciprocity	\$25	\$25
Renewal of certification (every two years)	All interpreters	\$25	\$25

\* Fees subject to change based on the agency administering the exam.

## Schedule F

Pennsylvania Rules of Professional Conduct for  
Judiciary Interpreters

## Legal Authority

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

## Preamble

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

## Applicability and Enforcement

These rules shall guide and be binding upon all persons, agencies and organizations who administer, supervise, deliver, or attempt to become certified to deliver, interpreting services to the Judiciary. It shall govern the conduct of persons who are employed, under contract, or otherwise appointed by the Judiciary to interpret, transcribe, **[ translate ]** or deliver foreign and sign language interpreting services to the judicial system. This shall include persons who offer their services free of charge or on a volunteer basis.

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

**RULE 1: REPRESENTATION OF QUALIFICATIONS.**

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

## Comment

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

**RULE 2: ACCURACY AND COMPLETENESS.**

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting,

or adding anything to what is stated or written, and without embellishment or explanation.

## Comment

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

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

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

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

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

**RULE 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST.**

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

## Comment

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

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

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or **[ with ]** friends or relatives of any party, except in the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys, courtroom staff, and law enforcement officers,

refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

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

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

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

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

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

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

#### **RULE 4: PROFESSIONAL DEMEANOR.**

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

##### **Comment**

Interpreters should know and observe established [ **protocol** ] **protocols**, rules, and procedures for delivering interpreting services. They should speak at a rate and volume that enables them to be heard and understood throughout the courtroom, but their presence should otherwise be as unobtrusive as possible. They should not draw undue or inappropriate attention to themselves and should dress in a manner that is consistent with the dignity of the proceedings and the court. Interpreters are encouraged to avoid personal or professional conduct that could discredit or be embarrassing to the court.

#### **RULE 5: CONFIDENTIALITY.**

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

##### **Comment**

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

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

#### **RULE 6: RESTRICTION FROM PUBLIC COMMENT.**

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

##### **Comment**

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

#### **RULE 7: SCOPE AND LIMITATIONS OF PRACTICE.**

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

##### **Comment**

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting, transliterating or **sight** translating only. They should not take a primary role in such communications and may take a secondary role only as necessary for assuring an accurate and faithful interpretation, transliteration or **sight** translation.

Interpreters may assume a secondary role when they find it necessary to speak directly to the court to seek assistance in performing their duties, *e.g.*, requesting that



speakers moderate their rate of communication or repeat or rephrase a statement, correcting an interpreting error, or notifying the court of their reservations about their ability to satisfy an assignment competently.

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

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

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

**RULE 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE.**

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

**Comment**

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

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

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

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

Finally, interpreters should notify the court of any personal bias they may have involving any aspect of the proceedings which may prevent them from performing

their duties according to these rules. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

**RULE 9: DUTY TO REPORT ETHICAL VIOLATIONS.**

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

**Comment**

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

**RULE 10: ACCEPTANCE OF COMPENSATION.**

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

**Comment**

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

**RULE 11: PROFESSIONAL DEVELOPMENT.**

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

**Comment**

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

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

**RULE 12: AGREEMENT TO ABIDE BY THESE RULES.**

Interpreters[ , ] **and** transliterators [ **and translators** ] working for the Unified Judicial System of Pennsylvania accept and agree to be bound by these rules, and understand that appropriate sanctions may be imposed by

the ICP Administrator, hearing officer, or Court Administrator for willful violations.

**Comment**

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

**Schedule G**

**Interpreting Fee Schedule**

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

The compensation schedule is subject to periodic review by the Court Administrator.

**Onsite, Video, and Telephonic Interpreting Fee Schedule**

<i>Interpreter Classification</i>	<i>Hourly up to 3.5 Hours</i>		<i>Half &amp; Full Day</i>	
	<i>Hourly (2 hr. min.)</i>	<i>30 Minutes Increments (1/2 hourly rate)</i>	<i>Half Day (3.5 hrs.)</i>	<i>Full Day (7 hrs.)</i>
<b>Master</b>	<b>\$80</b>	<b>\$40</b>	<b>\$260</b>	<b>\$475</b>
<b>Certified</b>	<b>\$65</b>	<b>\$32.50</b>	<b>\$210</b>	<b>\$400</b>
<b>Qualified</b>	<b>\$45</b>	<b>\$22.50</b>	<b>\$140</b>	<b>\$270</b>
<b>Conditional</b>	<b>\$35</b>	<b>\$17.50</b>	<b>\$105</b>	<b>\$200</b>
<b>Registered</b>	<b>\$60</b>	<b>\$30</b>	<b>\$200</b>	<b>\$390</b>
<b>Rare or uncommon languages and interpreters from resource lists provided by the ICP</b>	<b>Interpreters in this category will be compensated based on their qualifications, experience, type of case, and language within the parameters of the compensation schedule and the guidelines.</b> <i>Note: Rare or uncommon languages are languages of low diffusion not listed in the ICP Roster.</i>			

**A. Onsite Interpreting Provisions**

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

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

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

ii. **Hourly, half, and one day assignments.** If cancellation occurs with less than forty-eight (48) hours' notice provided to the interpreter, excluding weekends and holidays, the cancellation fee shall

be equivalent to two (2) hours' pay based on the hourly rate and interpreter classification.

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

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

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

**3. Compensation, time extensions, and overtime.**

i. **Minimum compensation.** When hired at an hourly rate, interpreters are entitled to a two (2)

hour minimum guaranteed compensation per assignment based on the interpreter's credentialing level.

ii. Hourly Rate. The first two hours are paid according to the table above. After the second hour, compensation will be paid at half (1/2) the hourly rate in thirty (30) minute increments based on the interpreter credentialing level. Judicial districts are strongly encouraged to consider hiring at the half- or full-day rate when assignments are expected to go over two (2) hours and when hiring for more than one case.

iii. Half-day rate. The first three and a half (3.5) hours are paid according to the table above. Assignments that exceed three and a half (3.5) hours but are less than seven (7) hours long will be paid at half (1/2) the hourly rate in thirty (30) minute increments based on the interpreter's credentialing level.

iv. Full-day rate. A full-day rate consists of seven (7) hours paid according to the table above.

v. Overtime. Overtime will be paid only when an assignment exceeds a full day (7 hours). Overtime compensation will be in hourly increments at one and a half (1.5) times the hourly rate based on the interpreter's credentialing level.

vi. Assignments outside normal business hours (5 pm to 8 am). Assignments that occur outside of normal business hours will be paid at one and a half (1.5) times the hourly rate based on the interpreter's credentialing level. A two (2) hour minimum will apply. Additional time will be paid at one and a half (1.5) times the hourly rate in thirty (30) minute increments based on the interpreter's credentialing level.

#### 4. Mileage, parking, tolls, and travel.

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

ii. Parking will be paid in full when no free parking exists within a five (5)-block radius of the assignment location. Parking will not be paid when free parking is provided.

iii. Travel time will be paid when the interpreter travels more than two (2) hours round trip from the interpreter's normal business address or location to an assignment. Travel time will be paid at half (1/2) the hourly compensation rate for the interpreter's classification.

iv. Travel by public transportation. If travel by bus, train, or plane is required, the interpreter is entitled to full reimbursement of travel costs. Courts are encouraged to make the necessary travel arrangements.

v. Overnight accommodations. If overnight hotel accommodations are required for the completion of an assignment, this expense is reimbursable to the interpreter. Courts are encouraged to make the necessary reservations themselves at a local hotel close to the assignment location. The interpreter is

also entitled to a per diem for overnight assignments based on the prevailing federal CONUS rates.

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

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

#### B. Video and Telephonic Interpreting Provisions

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

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

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

ii. Hourly assignments. If cancellation occurs with less than forty-eight (48) hours' notice, excluding weekends and holidays, the cancellation fee shall be equivalent to two (2) hours' pay based on the hourly rate and interpreter classification.

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

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

#### 3. Compensation, time extensions, and overtime.

i. Start time. The time at which the interpreter begins to receive payment for services rendered is when the interpreter connects remotely to the courtroom or is asked to be available, not the time when the proceeding actually begins (e.g., start time in the hearing notice), or when the judge takes the bench.

ii. Minimum compensation. When hired at an hourly rate, interpreters are entitled to a two (2) hour minimum guaranteed compensation per assignment based on the interpreter's credentialing level.

iii. Hourly rate. The first two hours are paid according to the table above. After the first two hours, compensation will be paid in thirty (30) minute increments at one-half (1/2) the hourly rate for the next one and a half (1.5) hours based on the interpreter's credentialing level. Judicial districts are strongly encouraged to consider hiring at the half- or full-day rate when assignments are expected to go over two (2) hours and when hiring for more than one case.

iv. Half-day rate. The first three and a half (3.5) hours are paid according to the table above. Assignments that exceed three and a half (3.5) hours but are less than seven (7) hours long will be paid at half (1/2) the hourly rate in thirty (30) minute increments based on the interpreter's credentialing level.

v. Full-day rate. A full-day rate consists of seven (7) hours paid according to the table above.

vi. Overtime. Overtime will be paid only when an assignment exceeds a full day (7 hours). Overtime compensation will be in hourly increments, at one and a half (1.5) times the hourly rate based on the interpreter's credentialing level.

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

#### 4. Time commitment.

i. Interpreters should be notified about the expected length of the assignment by the court (i.e., by the language access coordinator or assignment clerk) when contracted. This will be based on the best estimate available to the court at the time of hiring.

ii. Interpreters must remain available for the duration of the contracted time, including the first two hours when hired at the hourly rate unless they are released by the court prior to the expiration of their contracted time. When a case lasts less than two hours, interpreters must check with the language access coordinator or assignment clerk to see if they are needed elsewhere before being released.

iii. As a best practice, interpreters should allow at least thirty (30) minutes between cases when contracting to provide services remotely unless cases are scheduled sequentially in the same judicial district. This allows for a smooth transition between assignments.

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

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

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

#### 5. Equipment considerations.

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

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

iii. Interpretation should be provided from a quiet location free of noise and distraction, preferably from a designated space in the interpreter's office or home. It is considered best practice to use neutral background and noise cancellation headphones. Video remote interpretation (VRI) should never be done from a vehicle or while driving.

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

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

[Pa.B. Doc. No. 21-1981. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 225—RULES OF EVIDENCE

[ 225 PA. CODE ART. VIII ]

Order Approving the Amendment of Pennsylvania Rule of Evidence 803(3); No. 887 Supreme Court Rules Doc.

Order

*Per Curiam*

*And Now*, this 18th day of November, 2021, upon the recommendation of the Committee on Rules of Evidence; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Evidence 803(3) is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2022.

## Annex A

## TITLE 225. RULES OF EVIDENCE

## ARTICLE VIII. HERESAY

**Rule 803. Exceptions to the Rule Against Hearsay—Regardless of Whether the Declarant Is Available as a Witness.**

The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

**Rule 803(3). Then-Existing Mental, Emotional, or Physical Condition.**

(3) *Then-Existing Mental, Emotional, or Physical Condition.* A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.

**Comment**

This rule is identical to F.R.E. 803(3). **For the general inquiry that courts should undertake when contemplating application of this rule, see *Commonwealth v. Fitzpatrick*, 255 A.3d 452, 479-480 (Pa. 2021).**

[ Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; Comment revised March 10, 2000, effective immediately; Comment revised May 16, 2001, effective July 1, 2001; amended November 2, 2001, effective January 1, 2002; rescinded and replaced January 17, 2013, effective March 18, 2013; amended November 9, 2016, effective January 1, 2017; amended October 25, 2018, effective December 1, 2018.

**Committee Explanatory Reports:**

Final Report explaining the March 23, 1999 technical revisions to the Comment for paragraph 25 published with the Court's Order at 29 Pa.B. 1714 (April 3, 1999).

Final Report explaining the March 10, 2000 revision of the Comment for paragraph 25 published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

Final Report explaining the May 16, 2001 revision of the Comment for paragraph 18 published with the Court's Order at 31 Pa.B. 2789 (June 2, 2001).

Final Report explaining the November 2, 2001 amendments to paragraph 6 published with the Court's Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 620 (February 2, 2013).

Final Report explaining the November 9, 2016 amendments to paragraph 6, 8, 10, and revision of the Comment for paragraph 7 and 9 published with the Court's Order at 46 Pa.B. 7436 (November 26, 2016).

Final Report explaining the October 24, 2018 amendments to paragraph 1 and 2 published with the Court's Order at 48 Pa.B. 7112 (November 10, 2018). ]

## ADOPTION REPORT

**Amendment of Pa.R.E. 803(3)**

On November 18, 2021, the Supreme Court amended Pennsylvania Rule of Evidence 803(3) concerning the hearsay exception for a statement of the declarant's then-existing mental, emotional, or physical condition. The Committee on Rules of Evidence has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

In *Commonwealth v. Fitzpatrick*, 255 A.3d 452 (Pa. 2021), a victim left a note stating: "If something happens to me—JOE." The following day, the victim died in an ATV accident where her husband, Joe, was a passenger. The husband was charged with the victim's murder and the note was admitted into evidence for substantive purposes, *i.e.*, the truth of the matter, at the husband's trial pursuant to Pa.R.E. 803(3).

While the Court held that the portion of the note that evidenced the victim's state of mind qualified under the Pa.R.E. 803(3) hearsay exception, the note was nonetheless inadmissible because it also identified the defendant and implicated the defendant's state of mind. Preceding this holding, the Court stated:

[T]hat our cases concerning state of mind evidence have been inconsistent, which undoubtedly has caused some confusion for the bench and bar in this complex area of evidentiary law. Thus, to ensure clarity going forward, we set forth the general inquiry courts must undertake when contemplating the admissibility of out-of-court statements proffered to the court for admission as state of mind evidence.

*Fitzpatrick*, 255 A.3d at 479 (internal citation omitted). The general inquiry is set forth on pages 479-480 of the reported decision. The Committee believes it would be helpful to the bench and bar, as well as clear up the observed inconsistency in the prior application of this exception, if the Comment to Pa.R.E. 803(3) was amended to add reference to *Fitzpatrick*.

The following commentary has been removed from Pa.R.E. 803:

**Note:** Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; Comment revised March 10, 2000, effective immediately; Comment revised May 16, 2001, effective July 1, 2001; amended November 2, 2001, effective January 1, 2002; rescinded and replaced January 17, 2013, effective March 18, 2013; amended November 9, 2016, effective January 1, 2017; amended October 25, 2018, effective December 1, 2018.

**Committee Explanatory Reports:**

Final Report explaining the March 23, 1999 technical revisions to the Comment for paragraph 25 published with the Court's Order at 29 Pa.B. 1714 (April 3, 1999). Final Report explaining the March 10, 2000 revision of the Comment for paragraph 25 published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000). Final Report explaining the May 16, 2001 revision of the Comment for paragraph 18 published with the Court's Order at 31 Pa.B. 2789 (June 2, 2001). Final Report explaining the November 2, 2001 amendments to paragraph 6 published with the Court's Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 620 (February 2, 2013). Final Report explaining the November 9, 2016 amendments to paragraph 6, 8, 10, and revision of the Comment for paragraph 7 and 9 published with the Court's Order at 46 Pa.B. 7436 (November 26, 2016). Final Report explaining the October 24, 2018 amendments to paragraph 1 and 2 published with the Court's Order at 48 Pa.B. 7112 (November 10, 2018).

\* \* \*

This amendment becomes effective January 1, 2022.

[Pa.B. Doc. No. 21-1982. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 200 ]

#### Proposed Adoption of Pa.R.Civ.P. 244

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.Civ.P. 244 for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

Karla M. Shultz, Counsel  
Civil Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9526  
civilrules@pacourts.us

All communications in reference to the proposal should be received by January 4, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Civil Procedural  
Rules Committee*

HONORABLE CHRISTINE A. WARD,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

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

#### Rule 244. Advanced Communication Technology.

(a) *Definition.* "Advanced communication technology" shall mean any communication technology providing for two-way simultaneous communication of image and sound.

(b) *General Rule.*

(1) Unless otherwise prohibited by subdivision (c), proceedings may be conducted using advanced communication technology in accordance with local rule.

(2) Each judicial district shall promulgate a local rule identifying the proceedings that may be conducted via advanced communication technology in the judicial district and the procedures for using advanced communication technology.

(c) *Prohibition.* The use of advanced communication technology is prohibited for the following proceedings:

- (1) jury selection, unless the prospective jurors are located outside of the courthouse or judicial facility; and
- (2) jury trials.

#### Comment:

Subdivision (c)(1) addresses those instances when the judge is present in the courthouse and the potential jurors are in a remote location outside the courthouse or judicial facility. It is not intended to preclude the use of advanced communication technology when the judge is present in the courtroom and potential jurors are located in other rooms of the courthouse for social-distancing purposes.

#### REPORT

#### Proposed Adoption of Pa.R.Civ.P. 244

The Civil Procedural Rules Committee is considering proposing to the Supreme Court the adoption of Pennsylvania Rule of Civil Procedure 244 to govern the use of Advance Communication Technology in civil proceedings.

In July of 2021, the Committee received a report prepared by the Administrative Office of Pennsylvania Courts and the Pennsylvania Conference of State Trial Judges concerning the "continued use" of Advance Communications Technology ("ACT"). Given that the use of ACT in civil proceedings has been governed by procedural rule, the report made the following recommendations:

Unlike other procedural rules that expressly prohibit, *see, e.g.*, Pa.R.Crim.P. 119(A), or specifically authorize, *see, e.g.*, Pa.R.C.P. 1930.3, Pa.R.J.C.P. 128(C), 129(A)(1), 1129(A)(1), 1140(D), 1242(B)(4), 1406(A)(2), 1512(A)(3), 1608(E), and Pa.R.C.P.M.D.J. 215, the use of ACT in certain circumstances, the Pennsylvania Rules of Civil Procedure governing civil litigation are silent on the use of ACT in court proceedings. Out of necessity during the statewide and local judicial emergencies, trial courts have conducted civil proceedings by ACT, and in the process, have saved litigants, lawyers, and witnesses considerable travel time and expense and any associated inconvenience. The resulting time savings have enabled counsel to make more productive use of their available time and to devote their attention to other clients and pending matters. Judicial experience with remote proceedings has shown that many civil matters may be handled effectively and efficiently through the use of ACT.

Once the local judicial emergencies end, judges should retain the discretion to conduct certain civil proceedings by ACT in order to achieve continued savings for parties and their counsel. It is recommended that status/scheduling conferences, oral arguments on contested motions and petitions, and hear-

ings or non-jury trials featuring limited testimonial and documentary evidence, should continue to be conducted by ACT even after the declared judicial emergencies cease. The Task Force submits that jury trials, including the jury selection process, pre-trial conferences pursuant to Pa.R.C.P. 212.3, settlement conferences under Pa.R.C.P. 212.5, and bench trials featuring more involved testimony and evidence are best conducted in-person, and it is not recommended that those matters be handled routinely by ACT.<sup>11</sup>

To enable judges to conduct the recommended civil matters by ACT, it is suggested that the following changes to the Pennsylvania Rules of Civil Procedure be considered. In contrast to other statewide rules, Pennsylvania Rule of Civil Procedure No. 76 does not contain a definition of “advanced communication technology,” and it is recommended that Pa.R.C.P. 76 be amended to include the uniform definition proposed by the Task Force. While no statewide procedural rule prohibits the use of ACT in civil litigation, it is recommended that a specific Rule of Civil Procedure be adopted to expressly vest trial judges with the discretion to conduct civil proceedings, with the exception of jury trials, by ACT. Additionally, pursuant to the authority granted by Pa.R.C.P. 239.2, 239.3, 239.5, 239.6, and 239.7, judicial districts may promulgate local rules setting forth specific procedures governing the presentation and consideration of petitions, motions, preliminary objections, motions for judgment on the pleadings, and motions for summary judgment by ACT.

Remote Proceedings Task Force: Continued Use of Advanced Communication Technology (ACT) Following the Termination of Judicial Emergencies, at pp. 9-10 (June 2021) (footnote omitted). The report also recommended the use of ACT for the service of orders and filings.

The Committee proposes Pa.R.Civ.P. 244 to generally authorize the use of ACT in civil proceedings, with two express prohibitions, and be subject to parameters established by local rule. Each judicial district will be required to promulgate a local rule setting forth the proceedings for which ACT may be used and the procedures to request its use. The use of ACT would be prohibited for jury trials and jury selection when potential jurors are not located separately from the courthouse or judicial facility. The prohibition on the use of ACT for jury trials under this rule is not intended to prohibit the introduction of testimony through other permitted means. *See, e.g.*, 4017.1 (Video Deposition); Pa.R.Civ.P. 4020 (Use of Depositions at Trial).

Additional prohibitions suggested by the Task Force, including pre-trial conferences, Pa.R.Civ.P. 212.3, settlement conferences, Pa.R.Civ.P. 212.5, and bench trials were not included in the proposed rule. Based upon the observations of Committee members, the use of ACT for those proceedings did not appear to be less effective than when they are conducted in-person. Judges are able, or will be able, to evaluate witness credibility and weigh evidence in other proceedings using ACT; therefore, that ability should not be limited when conducting bench trials in civil proceedings, if permitted by local rule.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 21-1983. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1930 ]

#### Proposed Amendment of Pa.R.Civ.P. 1930.3

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 1930.3 for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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

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

All communications in reference to the proposal should be received by January 4, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

JENNIFER P. BIERLY, Esq.,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

#### Rule 1930.3. [ Testimony by Electronic Means ] Advanced Communication Technology.

**[ With the approval of the court upon good cause shown, a party or witness may be deposed or testify by telephone, audiovisual or other electronic means at a designated location in all domestic relations matters. ]**

**(a) Definition. “Advanced Communication Technology” shall mean any communication technology providing for two-way simultaneous communication of image and sound.**

**(b) General Rule. Except for the proceedings set forth in subdivision (c), a court may conduct a**

**proceeding using Advanced Communication Technology in accordance with procedures established by local rule.**

**(c) Exceptions.**

**(1) A court shall not use Advanced Communication Technology for the following proceedings:**

**(i) Protection from Abuse. A final hearing as provided by 23 Pa.C.S. § 6107(a).**

**(ii) Protection of Victims of Sexual Violence or Intimidation. A final hearing as provided by 42 Pa.C.S. § 62A06(a).**

**(iii) Contempt Hearing. In a proceeding in which the court may incarcerate a party following a finding of contempt.**

**(2) A judicial district may exclude additional proceedings by local rule.**

**(d) Support Action.**

**(1) This rule does not preclude a court from utilizing telephone testimony as authorized by 23 Pa.C.S. § 4342(j) in a support action as set forth in subdivision (d)(2).**

**(2) The party or witness may only testify by telephone when the party or witness:**

**(i) cannot appear at the proceeding in person; and**

**(ii) does not have access to or the capability to utilize Advanced Communication Technology.**

**PUBLICATION REPORT**

**RULE PROPOSAL 186**

The Domestic Relations Procedural Rules Committee (Committee) is considering proposing to the Supreme Court of Pennsylvania an amendment to Pennsylvania Rule of Civil Procedure 1930.3—Testimony by Electronic Means. The current rule expands 23 Pa.C.S. § 4342(j), which permits electronic testimony in support actions, to include authority for electronic testimony in all domestic relations actions. However, the current rule provides the court with the authority on a case-by-case basis by indicating for good cause shown. The proposed rule-making is in response to a rulemaking request regarding the use of Advance Communication Technology (ACT) in “family court” proceedings.

In July 2021, the Committee received a report prepared by the Administrative Office of Pennsylvania Courts and the Pennsylvania Conference of State Trial Judges concerning the “continued use” of ACT. The courts have used ACT extensively during the response to the COVID pandemic. As the use of ACT in domestic relations actions is governed by procedural rule, the report made the following overall recommendation, “[t]he Task Force examined Family Court matters generally, and concluded that ACT should be authorized to the greatest extent possible in Family Court matters, with only limited exceptions.” *Remote Proceedings Task Force: Continued Use of Advanced Communication Technology (ACT) Following the Termination of Judicial Emergencies*, at p. 12 (June 2021). The Task Force’s report identified specific proceedings in which it believed ACT appropriate and proposed rescinding Pa.R.Civ.P. 1930.3 upon adoption of a new ACT rule.

The Committee’s proposed amendment provides judicial districts with the general authority to use ACT in all domestic relations proceedings, e.g., support, custody,

divorce, protection from abuse (PFA), protection of victims of sexual violence or intimidation (PVSVI), with some exceptions. Excepted from ACT are contempt hearings and PFA and PVSVI final hearings. A judicial district may further limit ACT’s use by local rule. Despite the Task Force suggesting the rescission of Pa.R.Civ.P. 1930.3, the proposal maintains the rule but replaces the rule text and commentary in its entirety.

The proposed rule defines ACT “as any communication technology providing for two-way simultaneous communication of image and sound.” As defined, ACT would not permit the use of telephone testimony. However, as 23 Pa.C.S. § 4342(j) authorizes the use of telephone testimony by a party or witness in a support action, the proposed rule includes a provision for retaining telephone testimony in support actions, but only when the party or witness cannot appear in person and does not have the capability or the ability to use ACT.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 21-1984. Filed for public inspection December 3, 2021, 9:00 a.m.]

**Title 231—RULES OF  
CIVIL PROCEDURE**

**PART II. ORPHANS’ COURT RULES  
[ 231 PA. CODE PART II ]**

**Proposed Adoption of Pa.R.O.C.P. 1.20**

The Orphans’ Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.O.C.P. 1.20 governing advanced communication technology for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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

All communications in reference to the proposal should be received by January 4, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Orphans’ Court  
Procedural Rules Committee*



## Annex A

**TITLE 231. RULES OF CIVIL PROCEDURE**  
**PART II. ORPHANS' COURT RULES**  
**CHAPTER I. PRELIMINARY RULES**

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

**Rule 1.20. Advanced Communication Technology.**

(a) *Definition.* "Advanced Communication Technology" shall mean any communication technology providing for two-way simultaneous communication of image and sound.

(b) *General Rule.* Court proceedings may be conducted using advanced communication technology in accordance with local rule.

**Comment:**

For local rulemaking, see Pa.R.J.A. 103(d).

**PUBLICATION REPORT****Proposed Adoption of Pa.R.O.C.P. 1.20**

The Orphans' Court Procedural Rules ("Committee") is considering proposing to the Supreme Court of Pennsylvania the adoption of Rule 1.20 of the Pennsylvania Rules of Orphans' Court Procedure ("Rules") in response to a rulemaking request. This proposal would add a new Rule incorporating a definition of "advanced communication technology" ("ACT") and delegating rule-making authority relative to the use of ACT to the judicial districts in the form of local rules.

*Background*

Currently, the Rules do not address the use of ACT in the orphans' courts. In July of 2021, the Rules Committees received a report prepared by the Administrative Office of Pennsylvania Courts and the Pennsylvania Conference of State Trial Judges concerning the "continued use" of ACT. Given that the use of ACT in other court proceedings has been governed by procedural rule, the report recommended a number of rule amendments generally enabling or expanding the use of ACT. The report describes a "continued use" because widespread ACT use was authorized by the Supreme Court of Pennsylvania pursuant to Pa.R.J.A. 1952(B)(2) as an emergency measure during the COVID-19 pandemic to maintain social distancing among participants while ensuring access to the courts. The report recommended a number of rule amendments generally enabling or expanding the use of ACT in the orphans' courts:

The Task Force recommends modest changes to the Orphans' Court Rules to assure that Orphans' Court judges may exercise broad discretion to conduct proceedings either permitting all parties and counsel to participate remotely using ACT or permitting some witnesses or parties to testify and participate remotely, while most participants are present in the courtroom. Specifically the Task Force recommends that, in the discretion of the Judge, the following types of proceedings may be conducted using ACT, either with all parties or some parties and witnesses participating remotely: status and scheduling conferences, pre-trial conferences, oral arguments on motions and petitions, relatively short record proceedings.

The Task Force also recommends that in the discretion of the local court, Orphans' Court proceedings

such as calling of the Audit List and other Rule Return dates may be scheduled to be conducted either in person, partly remotely, or wholly remotely using ACT for some litigants, attorneys, or other participants. Bench trials in the Orphans' Court, including contested guardianship matters, will contests, contested fiduciary matters, and termination of parental rights hearings will generally be best conducted in person in the courtroom. However, the Task Force recommends that the court have significant discretion to conduct such proceedings by ACT, either in whole or in part. In particular, it is expected that certain witnesses who live at a distance may be permitted to testify using ACT while proceedings are conducted in the courtroom, provided that no party is disadvantaged and all parties are able to see and hear the witness. The Task Force recommends the adoption of a definition of ACT in the Orphans' Court Rules, as a section within [R]ule 1.3, and also recommends a new Rule 1.9 granting discretion to the judge to permit the use of ACT in all types of Orphans' Court proceedings. The Task Force further recommends amendments to Orphans' Court Rules 2.5, 3.5, 14.3, 14.6, 14.9, 14.11, and 14.13, to clarify that electronic notice may be provided in appropriate circumstances and to make clear that certain guardianship proceedings may be conducted with the use of ACT.

Remote Proceedings Task Force: Continued Use of Advanced Communication Technology (ACT) Following the Termination of Judicial Emergencies, at pp. 15-16 (June 2021). Additionally, the report contained recommended rule amendments governing civil, family law, juvenile, and criminal proceedings, as well as those in magisterial district courts. Generally, those recommendations either broadly authorized the use of ACT or sought to remove present procedural restrictions. The report also recommended a uniform definition of ACT and the use of ACT for the service of orders and filings. As recommended by the report and described in greater detail below, this proposal would result in the applicability of ACT and numerous procedural and operational details being subject to the discretion of president judges and governed by local rule.

*Discussion*

Insofar as a significant aspect of applicability and procedures would be delegated to local rule, several observations can be made. First, the judicial districts have acquired significant experience with the use of ACT during the pandemic and, consequently, have existing local procedures and practices that work. At this juncture, there does not appear to be a need for further statewide procedures nor were further statewide procedures necessary for the use of ACT, where permitted by rule, prior to pandemic. Allowing local decision-making on the applicability of ACT accommodates resource and infrastructure limitations that may not be universal to all judicial districts. Thus, absent a demonstrated need, procedures would be left to local rule. Note, however, those practices governing the use of ACT would need to be codified into a local rule. See Pa.R.J.A. 103(d).

Second, it should be acknowledged that delegating applicability and procedures to local rule creates the opportunity for significant variation among judicial districts. This may be challenging to multi-district practitioners who must navigate not only among the various local procedures and types of proceedings that use ACT, but also the different technologies employed. If the extent of

any variation imposes undue burdens on practice of law or becomes “unacceptable” to the concept of a unified judicial system, the necessity of uniform statewide applicability and procedures may be revisited. Over time, a consensus may be reached on the best practice as it relates to applicability and procedures.

The Committee proposes a definition of ACT requiring two-way simultaneous communication of image and sound. This definition in proposed Pa.R.O.C.P. 1.20 seemed apt to capture the more frequently used modern technology, *e.g.*, WebEx, Zoom, Microsoft Teams. Myriad reasons in favor of a video component include more comprehensive witness identification, reduced opportunity for contemporaneous witness coaching, assuring a modicum of decorum, providing a means to evaluate credibility and demeanor, and detecting whether a witness’s responses are based upon contemporaneous, independent recollection or whether the witness is relying upon a writing to refresh recollection. *See* Pa.R.E. 612. Moreover, the technology for contemporaneous audiovisual communication has greatly improved, become more accessible, and, consequently, confidence in its use has increased.

An argument against requiring a visual component within the definition of ACT is that it may limit the use of ACT. For example, there may be geographical locations where necessary bandwidth does not exist or a participant does not have the technology for audio and visual communications. The merit of these arguments is acknowledged, but the preferred alternative would be for the participant to either appear in court or appear from a location where the proponent of the testimony can provide audio and visual communications, *e.g.*, the attorney’s office. Moreover, dropping down to a form of communications that only has an audio component could be seen as a step back from the successful use of technology during the pandemic. Nonetheless, the use of audio-only technology was accepted in some circumstances prior to the pandemic.

While the report recommends that proposed rule amendments “make clear that certain guardianship proceedings may be conducted with the use of ACT,” insofar as the proposed new Rule broadly permits court proceedings to be conducted using ACT in accordance with local rule, the Committee did not find it necessary to explicitly include guardianship proceedings. Such proceedings are necessarily included within the scope of the proposed new Rule and may be included or excluded as established by local rule. The report also recommended study of the use of ACT for the service of orders and filings, other than original process. Presumably, the form of ACT for service would rely upon the report’s proffered definition of “electronic communication.” While the Guardianship Tracking System generates certain electronic notices in lieu of traditional service methodologies, the Committee believes this is occurring outside the scope of ACT as proposed and is not addressing the electronic service of orders and filings at this time.

#### *Proposed Rule*

Proposed Rule 1.20 adds a definition of ACT for use in the orphans’ courts that requires two-way simultaneous communication of image and sound. It also gives wide latitude for a judicial district to promulgate local rules for the use of ACT in the orphans’ courts. The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 21-1985. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CH. 1 ]

#### Proposed New Pa.R.J.C.P. 160.1 and 1160.1

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania new Pennsylvania Rules of Juvenile Court Procedure 160.1 and 1160.1 to provide for statewide judicial access to limited information contained in the Common Pleas Case Management System related to dependency and delinquency proceedings for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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

All communications in reference to the proposal should be received by January 11, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court  
 Procedural Rules Committee*

JUDGE ALICE BECK DUBOW,  
*Chair*

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART C. RECORDS

#### PART C(1). ACCESS TO JUVENILE RECORDS

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

#### **Rule 160.1. Judicial Identification of Delinquency and Dependency Cases.**

##### (a) *Delinquency.*

(1) A judge presiding over a delinquency proceeding shall have statewide access to the Common Pleas Case Management System for the purpose of identifying other delinquency cases or dependency cases involving a participant in the proceeding.

(2) The information available is limited to docket number, participants, presiding judge, and county.

(b) *Custody.*

(1) A judge presiding over a custody proceeding shall have statewide access to the Common Pleas Case Management System for the purpose of identifying delinquency cases involving a participant in the proceeding.

(2) The information available is limited to docket number, participants, presiding judge, and county.

**Comment**

Developed by the Administrative Office of Pennsylvania Courts, the Common Pleas Case Management System (CPCMS) is a comprehensive statewide system that contains docketing information for dependency and delinquency court cases throughout Pennsylvania. This rule is intended to provide judges in delinquency and custody proceedings with statewide access to CPCMS to identify current and closed cases involving the same participant in the proceeding before the court. After obtaining the CPCMS information, the judge may contact the clerk of records in the relevant judicial district to access the official court record if additional information is needed.

This rule is not intended to replace or impede judicial access to case records pursuant to Pa.R.J.C.P. 160. Nor is this rule intended as a substitute for disclosure by the participants or inquiry of the county agency.

**Subpart B. DEPENDENCY MATTERS****CHAPTER 11. GENERAL PROVISIONS****PART C. RECORDS****PART C(1). ACCESS TO JUVENILE COURT RECORDS****Rule 1160.1. Judicial Identification of Delinquency and Dependency Cases.**(a) *Dependency.*

(1) A judge presiding over a dependency proceeding shall have statewide access to the Common Pleas Case Management System for the purpose of identifying delinquency cases or other dependency cases involving a participant in the proceeding.

(2) The information available is limited to docket number, participants, presiding judge, and county.

(b) *Custody.*

(1) A judge presiding over a custody proceeding shall have statewide access to the Common Pleas Case Management System for the purpose of identifying dependency cases involving a participant in the proceeding.

(2) The information available is limited to docket number, participants, presiding judge, and county.

**Comment**

Developed by the Administrative Office of Pennsylvania Courts, the Common Pleas Case Management System (CPCMS) is a comprehensive statewide system that contains docketing information for dependency and delinquency court cases throughout Pennsylvania. This rule is intended to provide judges in dependency and custody proceedings with statewide access to CPCMS to identify current and closed cases involving the same participant in the proceeding before the court. After obtaining the CPCMS information, the judge may contact the clerk of courts in the relevant judicial district to access the official court record if additional information is needed.

This rule is not intended to replace or impede judicial access to case records pursuant to Pa.R.J.C.P. 1160. Nor is this rule intended as a substitute for disclosure by the participants or inquiry of the county agency.

**REPORT****Proposed New Pa.R.J.C.P. 160.1 and 1160.1**

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court new Pennsylvania Rules of Juvenile Court Procedure 160.1 and 1160.1 to provide for statewide judicial access to limited information contained in the Common Pleas Case Management System (CPCMS) related to dependency and delinquency proceedings.

CPCMS is a comprehensive statewide system that contains docketing information for dependency and delinquency court cases throughout Pennsylvania. Presently, only judges presiding over dependency or delinquency cases have access to information contained in CPCMS and that access is limited to cases in the county where the judges sit. Judges do not have access to case information in other counties. Further, judges presiding over custody cases, but not dependency or delinquency cases, do not have access to CPCMS information even for cases within their county. *Cf.*, 23 Pa.C.S. § 5328 (factors to consider when awarding custody).

The Committee received a request to provide statewide judicial access to CPCMS to ascertain whether the parties or child may have open or closed delinquency and dependency cases in other counties. Preliminarily, the Committee considered the need for such access. In custody proceedings, the parties are required to disclose whether they have been involved with county agencies and certain delinquency adjudications. *See* Pa.R.Civ.P. 1915.3-2; 23 Pa.C.S. § 5329. Further, in delinquency and dependency matters, ostensibly the juvenile probation office and the county agency would be able to access statewide information at least within their respective fields.

Notwithstanding these alternative sources of information, CPCMS may provide more accurate information than self-reporting by the parties in custody matters. Further, CPCMS may provide that information more expeditiously than relying upon the juvenile probation office and the county agency in delinquency and dependency matters, respectively, especially when emergent matters arise. Additionally, access to statewide information would provide judges the opportunity to coordinate open cases in multiple counties. However, any access would be limited to judges presiding over custody, delinquency, or dependency matters.

Believing there to be merit in statewide judicial access to CPCMS, the Committee next considered the extent of information that should be made available upon query. Initially, the Committee recognized that any proposed rule providing access to CPCMS should not displace the operation of other rules governing access to juvenile court records. *See, e.g.*, Pa.R.J.C.P. 160 & 1160. Instead, the operation of the proposed rules would permit judicial inquiry of CPCMS of participants in the current case and the return of limited information indicating any docket number, participants, presiding judge, and county in other open and closed cases. Based upon that information, the judge can decide whether to inquire further of the parties or to access those juvenile court records.

There are two additional aspects of these proposed rules. First, the rules would simply permit access to CPCMS to query for other cases involving the same participants. The rules do not require such a query. Second, the rules do not address the disclosure of the query results to the parties because the results in of themselves have no evidentiary value. The results merely indicate that a party was a participant in another case;

they disclose nothing about the records or outcome of the other case. The access and disclosure of further case details are outside the scope of this proposal.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 21-1986. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CHS. 1 AND 11 ]

#### Proposed Amendment of Pa.R.J.C.P. 140 and 1140

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 140 and 1140 concerning the use of Advance Communications Technology in juvenile court proceedings for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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

Daniel A. Durst, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
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All communications in reference to the proposal should be received by January 4, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court  
 Procedural Rules Committee*

JUDGE ALICE BECK DUBOW,  
*Chair*

#### Annex A

#### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

#### Rule 140. Bench Warrants for Failure to Appear at Hearings.

[ A. ] (a) *Issuance of [ warrant ] **Warrant**.*

(1) Before a bench warrant may be issued by a judge, the judge shall find that the subpoenaed or summoned person received sufficient notice of the hearing and failed to appear.

(2) For the purpose of a bench warrant, a judge may not find notice solely based on first-class mail service.

[ B. ] (b) *Entry of [ **warrant information** ] **Warrant Information**.* Upon being notified by the court, the juvenile probation officer or other court designee shall enter or request that a law enforcement officer enter the bench warrant in all appropriate registries.

[ C. ] (c) *Juvenile.*

1) *Where to [ **take the juvenile** ] **Take the Juvenile**.*

[ a ] (i) When a juvenile is taken into custody pursuant to a bench warrant, the juvenile shall [ **be taken** ] **appear**, without unnecessary delay [ **to** ], **before** the judge who issued the warrant or a judge or juvenile court hearing officer designated by the President Judge to hear bench warrants.

[ b ] (ii) If the juvenile [ **is not brought** ] **does not appear** before a judge or juvenile court hearing officer, the juvenile shall be released unless:

[ i ] (A) the warrant specifically orders detention of the juvenile; or

[ ii ] (B) there are circumstances learned at the time of the surrender or apprehension that warrant detention of the juvenile.

[ c ] (iii) If a juvenile is detained, the juvenile shall be detained in a detention facility or other facility designated in the bench warrant by the judge pending a hearing.

2) *Prompt [ **hearing** ] **Hearing**.*

[ a ] (i) If a juvenile is detained, the juvenile shall [ **be brought** ] **appear** before the judge who issued the warrant, a judge or juvenile court hearing officer designated by the President Judge to hear bench warrants, or an out-of-county judge or juvenile court hearing officer pursuant to [ **paragraph (C)(4)** ] **subdivision (c)(4)** within seventy-two hours.

[ b ] (ii) If the juvenile [ **is not brought** ] **does not appear** before a judge or juvenile court hearing officer within this time, the juvenile shall be released.

3) *Notification of [ **guardian** ] **Guardian**.* If a juvenile is taken into custody pursuant to a bench warrant, the arresting officer shall immediately notify the juvenile's guardian of the juvenile's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-[ **county custody** ] **County Custody**.*

[ a ] (i) If a juvenile is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

[ b ] (ii) Arrangements to transport the juvenile shall be made immediately.

[ c ] (iii) If transportation cannot be arranged immediately, then the juvenile shall [ **be taken** ] **appear**,

without unnecessary delay [ **to** ], **before** a judge or juvenile court hearing officer of the county where the juvenile is found.

[ **d** ] (iv) The judge or juvenile court hearing officer will identify the juvenile as the subject of the warrant, decide whether detention is warranted, and order or recommend that arrangements be made to transport the juvenile to the county of issuance.

5) *Time [ requirements ] Requirements.* The time requirements of Rules 240, 391, 404, 510, and 605 shall be followed.

[ **D.** ] (d) *Witnesses.*

1) *Where to [ take the witness ] Take the Witness.*

[ **a** ] (i) When a witness is taken into custody pursuant to a bench warrant, the witness shall [ **be taken** ] **appear**, without unnecessary delay [ **to** ], **before** the judge who issued the warrant or a judge or juvenile court hearing officer designated by the President Judge to hear bench warrants.

[ **b** ] (ii) If the witness [ **is not brought** ] **does not appear** before a judge or juvenile court hearing officer, the witness shall be released unless the warrant specifically orders detention of the witness.

[ **c** ] (iii) A motion for detention as a witness may be filed [ **anytime** ] **any time** before or after the issuance of a bench warrant. The judge may order or the juvenile court hearing officer may recommend detention of the witness pending a hearing.

[ **1** ] (A) *Minor.* If a detained witness is a minor, the witness shall be detained in a detention facility.

[ **2** ] (B) *Adult.* If a detained witness is an adult, the witness shall be detained at the county jail.

2) *Prompt [ hearing ] Hearing.*

[ **a** ] (i) If a witness is detained pursuant to [ **paragraph (D)(1)(c)** ] **subdivision (d)(1)(iii)** or brought back to the county of issuance pursuant to [ **paragraph (D)(4)(f)** ] **subdivision (d)(4)(vi)**, the witness shall [ **be brought** ] **appear** before the judge or juvenile court hearing officer by the next business day.

[ **b** ] (ii) If the witness [ **is not brought** ] **does not appear** before a judge or juvenile court hearing officer within this time, the witness shall be released.

3) *Notification of [ guardian ] Guardian.* If a witness who is taken into custody pursuant to a bench warrant is a minor, the arresting officer shall immediately notify the witness's guardian of the witness's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-[ county custody ] County Custody.*

[ **a** ] (i) If a witness is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

[ **b** ] (ii) The witness shall [ **be taken** ] **appear**, without unnecessary delay and within the next business day [ **to** ], **before** a judge or juvenile court hearing officer of the county where the witness is found.

[ **c** ] (iii) The judge or juvenile court hearing officer will identify the witness as the subject of the warrant, decide whether detention as a witness is warranted, and order or recommend that arrangements be made to transport the witness to the county of issuance.

[ **d** ] (iv) Arrangements to transport the witness shall be made immediately.

[ **e** ] (v) If transportation cannot be arranged immediately, the witness shall be released unless the warrant or other order of court specifically orders detention of the witness.

[ **i** ] (A) *Minor.* If the witness is a minor, the witness may be detained in an out-of-county detention facility.

[ **ii** ] (B) *Adult.* If the witness is an adult, the witness may be detained in an out-of-county jail.

[ **f** ] (vi) If detention is ordered, the witness shall be brought back to the county of issuance within seventy-two hours from the execution of the warrant.

[ **g** ] (vii) If the time requirements of this paragraph are not met, the witness shall be released.

[ **E.** ] (e) *Advanced [ communication technology ] Communication Technology.* A court may utilize advanced communication technology pursuant to Rule 129 for **the appearance of** a juvenile or a witness unless good cause is shown otherwise.

[ **F.** ] (f) *Return & [ execution of the warrant for juveniles and witnesses ] Execution of the Warrant for Juveniles and Witnesses.*

1) The bench warrant shall be executed without unnecessary delay.

2) The bench warrant shall be returned to the judge who issued the warrant or to the judge or juvenile court hearing officer designated by the President Judge to hear bench warrants.

3) When the bench warrant is executed, the arresting officer shall immediately execute a return of the warrant with the judge.

4) Upon the return of the warrant, the judge shall vacate the bench warrant.

5) Once the warrant is vacated, the juvenile probation officer or other court designee shall remove or request that a law enforcement officer remove the bench warrant in all appropriate registries.

#### Comment

Pursuant to [ **paragraph (A)** ] **subdivision (a)**, the judge is to ensure that the person received sufficient notice of the hearing and failed to attend. The judge may order that the person be served in-person or by certified mail, return receipt. The judge may rely on first-class mail service if additional evidence of sufficient notice is presented. For example, testimony that the person was told in person about the hearing is sufficient notice. Before issuing a bench warrant, the judge should determine if the guardian was notified.

Under Rule 800, 42 Pa.C.S. § 6335(c) was suspended only to the extent that it is inconsistent with this rule. Under [ **paragraph (A)(1)** ] **subdivision (a)(1)**, the judge is to find a subpoenaed or summoned person failed to appear and sufficient notice was given to issue a bench warrant. The fact that the juvenile or witness may abscond or may not attend or be brought to a hearing is

not sufficient evidence for a bench warrant. This rule, however, does not prohibit probation from recommending detention for a juvenile. The normal rules of procedure in these rules are to be followed if a juvenile is detained. *See* Chapter Two, Part D.

Pursuant to [ **paragraph (C) ] subdivision (c)**, the “juvenile” is the subject of the delinquency proceedings. When a witness is a child, the witness is referred to as a “minor.” This distinction is made to differentiate between children who are alleged delinquents and children who are witnesses. *See* [ **paragraph (C) ] subdivision (c)** for alleged delinquents and [ **paragraph (D) ] subdivision (d)** for witnesses. *See also* Rule 120 for definition of “juvenile” and “minor.”

Pursuant to [ **paragraph (C)(1)(a) ] subdivision (c)(1)(i)**, the juvenile is to [ **be taken ] appear before** the judge who issued the bench warrant or a judge or juvenile court hearing officer designated by the President Judge of that county to hear bench warrants. This provision allows the judge or juvenile court hearing officer the discretion to postpone a hearing, for example, the adjudicatory hearing, until later in the same day while the police officer, sheriff, or juvenile probation officer retrieves the juvenile. If taken into custody on the same day, the juvenile is to [ **be brought ] appear** immediately before the court for the hearing. However, pursuant to [ **paragraph (C)(1)(b) ] subdivision (c)(1)(ii)**, if a bench warrant specifically provides that the juvenile may be detained in a detention facility, or there are circumstances apparent at the time of the surrender or apprehension that merit detention of the juvenile, the juvenile may be detained without having to [ **be brought ] appear** before the judge or juvenile court hearing officer until a hearing within seventy-two hours under [ **paragraph (C)(2)(a) ] subdivision (c)(2)(i)**. The juvenile is not to languish in a detention facility. Pursuant to this paragraph, if a hearing is not held promptly, the juvenile is to be released. *See* [ **paragraph (C)(1)(b) ] subdivision (c)(1)(b)**.

At the seventy-two hour hearing, the judge or juvenile court hearing officer may determine that the juvenile willfully failed to appear and may continue the detention of the juvenile until the rescheduled hearing. If the juvenile is detained, the rescheduled hearing is governed by the time requirements provided elsewhere in these rules. *See* Rules 240, 391, 404, 510 and 605.

Under [ **paragraphs (C)(2) and (C)(4) ] subdivisions (c)(2) and (c)(4)**, a juvenile taken into custody pursuant to a bench warrant is to have a hearing within seventy-two hours regardless of where the juvenile is found. *See* Rule [ **240(C) ] 240(c)**.

Pursuant to [ **paragraph (C)(4) ] subdivision (c)(4)**, the juvenile may be detained out-of-county until transportation arrangements can be made.

Pursuant to [ **paragraph (C)(5) ] subdivision (c)(5)**, the time requirements of all other rules are to apply to juveniles who are detained. *See, e.g.*, Rules 240, 391, 404, 510, and 605.

Pursuant to [ **paragraph (D)(1)(a) ] subdivision (d)(1)(i)**, the witness is to [ **be taken ] appear** immediately [ **to ] before** the judge who issued the bench warrant or a judge or juvenile court hearing officer designated by the President Judge of that county to hear

bench warrants. This provision allows the judge or juvenile court hearing officer the discretion to postpone a hearing, for example, an adjudicatory hearing, until later in the same day while the police officer, sheriff, or juvenile probation officer retrieves the witness. The witness is to [ **be brought ] appear** immediately before the court for the hearing. However, pursuant to [ **paragraph (D)(1)(b) ] subdivision (d)(1)(ii)**, if the judge or juvenile court hearing officer is not available, the witness is to be released immediately unless the warrant specifically orders detention. Pursuant to [ **paragraph (D)(1)(c) ] subdivision (d)(1)(iii)**, a motion for detention as a witness may be filed. If the witness is detained, a prompt hearing pursuant to [ **paragraph (D)(2) ] subdivision (d)(2)** is to be held by the next business day or the witness is to be released. *See* [ **paragraph (D)(2)(b) ] subdivision (d)(2)(ii)**.

At the hearing pursuant to [ **paragraph (D)(2)(a) ] subdivision (d)(2)(i)**, the judge or juvenile court hearing officer may determine that the witness willfully failed to appear and find or recommend that the witness is in contempt of court, or that the witness is in need of protective custody. If the judge or juvenile court hearing officer has made one of these findings, the judge may continue the detention of the witness until the rescheduled hearing. The judge or juvenile court hearing officer should schedule the hearing as soon as possible. In any event, if the witness is detained, the rescheduled hearing must be conducted by the specific time requirements provided elsewhere in these rules. *See* Rules 240, 391, 404, 510 and 605.

Pursuant to [ **paragraph (D)(4)(b) ] subdivision (d)(4)(ii)**, a witness is to [ **be brought ] appear** before an out-of-county judge or juvenile court hearing officer by the next business day unless the witness can [ **be brought ] appear** before the judge who issued the bench warrant within this time. When the witness is transported back to the county of issuance within seventy-two hours of the execution of the bench warrant, the witness is to [ **be brought ] appear** before the court by the next business day. *See* [ **paragraph (D)(4)(f) ] subdivision (d)(4)(vi)**.

Pursuant to [ **paragraph (F)(2) ] subdivision (f)(2)**, the bench warrant is to be returned to the judge who issued the warrant or to the judge or juvenile court hearing officer designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. *See* [ **paragraph (F)(3) ] subdivision (f)(3)**.

Pursuant to [ **paragraph (F)(4) ] subdivision (f)(4)**, the bench warrant is to be vacated after the return of the warrant is executed. “Vacated” is to denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

Pursuant to [ **paragraph (F)(5) ] subdivision (f)(5)**, once the warrant is vacated, the juvenile probation officer, other court designee, or law enforcement officer is to remove the warrant from all appropriate registries so the juvenile is not taken into custody on the same warrant if the juvenile is released.

*See* 42 Pa.C.S. § 4132 for punishment of contempt for juveniles and witnesses.

If there is a bench warrant issued, juvenile court hearing officers may hear cases in which the petition alleges only misdemeanors. *See* Rule 187(A)(2) and (3). The purpose of the hearing for juveniles pursuant to [ **paragraph (C)(2)(a)** ] **subdivision (c)(2)(i)** or the hearing for witnesses pursuant to [ **paragraph (D)(2)(a)** ] **subdivision (d)(2)(i)** is to determine if the juvenile or witness willfully failed to appear and if continued detention is necessary.

Pursuant to Rule 191, the juvenile court hearing officer is to submit his or her findings and recommendation to the court. In bench warrant cases, the juvenile court hearing officer should immediately take his or her recommendation to the judge so the judge can make the final determination of whether the juvenile or witness should be released. *See* Rule 191(D).

If the findings and recommendation are not taken immediately to the judge, the juvenile court hearing officer is to submit the recommendation within one business day. *See* Rule 191(C).

[ **Official Note: Rule 140 adopted February 26, 2008, effective June 1, 2008. Amended September 30, 2009, effective January 1, 2010. Amended April 21, 2011, effective July 1, 2011. Amended September 20, 2011, effective November 1, 2011. Amended April 6, 2017, effective September 1, 2017. Amended May 4, 2018, effective July 1, 2018.** ]

**Committee Explanatory Reports:**

**Final Report explaining the provisions of Rule 140 published with the Court's Order at 38 Pa.B. 1142 (March 8, 2008).**

**Final Report explaining the amendments to Rule 140 with the Court's Order at 39 Pa.B. 6029 (October 17, 2009).**

**Final Report explaining the amendments to Rule 140 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).**

**Final Report explaining the amendments to Rule 140 with the Court's Order at 41 Pa.B. 5355 (October 8, 2011).**

**Final Report explaining the amendments to Rule 140 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

**Final Report explaining the amendments to Rule 140 published with the Court's Order at 48 Pa.B. 2939 (May 19, 2018).** ]

**Subpart B. DEPENDENCY MATTERS**

**CHAPTER 11. GENERAL PROVISIONS**

**PART A. BUSINESS OF COURTS**

**Rule 1140. Bench Warrants for Failure to Appear.**

[ **A.** ] **(a)** *Issuance of Warrant.*

1) Before a bench warrant may be issued by a judge, the judge shall find that the subpoenaed or summoned person received sufficient notice of the hearing and failed to appear.

2) For the purpose of a bench warrant, a judge may not find notice solely based on first-class mail service.

3) The judge shall not issue an arrest warrant for a dependent child who absconds.

[ **B.** ] **(b)** *Party.*

1) *Where to Take the Party.*

[ **a** ] **(i)** When a party is taken into custody pursuant to a bench warrant, the party shall [ **be taken** ] **appear**, without unnecessary delay [ **to** ], **before** the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants.

[ **b** ] **(ii)** If the party [ **is not brought** ] **does not appear** before a judge, the party shall be released unless the warrant specifically orders detention of the party.

[ **c** ] **(iii)** If the warrant specifically orders detention of a party, the party shall be detained pending a hearing.

[ **i** ] **(A)** *Minor.* If the party is a minor, the party shall be detained in a shelter care facility or other placement as deemed appropriate by the judge.

[ **ii** ] **(B)** *Adult.* If the party is an adult, the witness shall be detained at the county jail.

2) *Prompt Hearing.*

[ **a** ] **(i)** If a party is detained pursuant to specific order in the bench warrant, the party shall [ **be brought** ] **appear** before the judge who issued the warrant, a judge designated by the President Judge to hear bench warrants, or an out-of-county judge pursuant to [ **paragraph (B)(4)** ] **subdivision (b)(4)** within seventy-two hours.

[ **b** ] **(ii)** If a party [ **is not brought** ] **does not appear** before a judge within this time, the party shall be released.

3) *Notification of Guardian.* If a party is a child and is taken into custody pursuant to a bench warrant, the arresting officer shall immediately notify the child's guardian of the child's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-County Custody.*

[ **a** ] **(i)** If a party is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

[ **b** ] **(ii)** Arrangements to transport the party shall be made immediately.

[ **c** ] **(iii)** If transportation cannot be arranged immediately, then the party shall [ **be taken** ] **appear**, without unnecessary delay [ **to** ], **before** a judge of the county where the party is found.

[ **d** ] **(iv)** The judge will identify the party as the subject of the warrant, decide whether detention is warranted, and order that arrangements be made to transport the juvenile to the county of issuance.

5) *Time Requirements.* The time requirements of Rules 1242, 1404, 1510, and 1607 shall be followed.

[ **C.** ] **(c)** *Witnesses.*

1) *Where to Take the Witness.*

[ **a** ] **(i)** When a witness is taken into custody pursuant to a bench warrant, the witness shall [ **be taken** ] **appear**, without unnecessary delay [ **to** ], **before** the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants.

[ b ] (ii) If the witness [ **is not brought** ] **does not appear** before a judge, the witness shall be released unless the warrant specifically orders detention of the witness.

[ c ] (iii) A motion for detention as a witness may be filed anytime before or after the issuance of a bench warrant. The judge may order detention of the witness pending a hearing.

[ i ] (A) *Minor*. If a detained witness is a minor, the witness shall be detained in a shelter care facility or other placement as deemed appropriate by the judge.

[ ii ] (B) *Adult*. If a detained witness is an adult, the witness shall be detained at the county jail.

2) *Prompt Hearing*.

[ a ] (i) If a witness is detained pursuant to [ **paragraph (C)(1)(c)** ] **subdivision (c)(1)(iii)** or brought back to the county of issuance pursuant to [ **paragraph (C)(4)(f)** ] **subdivision (c)(4)(vi)**, the witness shall [ **be brought** ] **appear** before the judge by the next business day.

[ b ] (ii) If the witness [ **is not brought** ] **does not appear** before a judge within this time, the witness shall be released.

3) *Notification of Guardian*. If a witness who is taken into custody pursuant to a bench warrant is a minor, the arresting officer shall immediately notify the witness's guardian of the witness's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-County Custody*.

[ a ] (i) If a witness is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

[ b ] (ii) The witness shall [ **be taken** ] **appear**, without unnecessary delay and within the next business day [ **to**, **before** ] a judge of the county where the witness is found.

[ c ] (iii) The judge will identify the witness as the subject of the warrant, decide whether detention as a witness is warranted, and order or recommend that arrangements be made to transport the witness to the county of issuance.

[ d ] (iv) Arrangements to transport the witness shall be made immediately.

[ e ] (v) If transportation cannot be arranged immediately, the witness shall be released unless the warrant or other order of court specifically orders detention of the witness.

[ i ] (A) *Minor*. If the witness is a minor, the witness may be detained in an out-of-county shelter care facility or other placement as deemed appropriate by the judge.

[ ii ] (B) *Adult*. If the witness is an adult, the witness may be detained in an out-of-county jail.

[ f ] (vi) If detention is ordered, the witness shall be brought back to the county of issuance within seventy-two hours from the execution of the warrant.

[ g ] (vii) If the time requirements of this paragraph are not met, the witness shall be released.

[ D. ] (d) *Advanced Communication Technology*. A court may utilize advanced communication technology pursuant to Rule 1129 unless good cause is shown otherwise.

[ E. ] (e) *Return & Execution of the Warrant for Parties and Witnesses*.

1) The bench warrant shall be executed without unnecessary delay.

2) The bench warrant shall be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear bench warrants.

3) When the bench warrant is executed, the arresting officer shall immediately execute a return of the warrant with the judge.

4) Upon the return of the warrant, the judge shall vacate the bench warrant.

**Comment**

Pursuant to [ **paragraph (A)** ] **subdivision (a)**, the judge is to ensure that the person received sufficient notice of the hearing and failed to attend. The judge may order that the person be served in-person or by certified mail, return receipt. The judge may rely on first-class mail service if additional evidence of sufficient notice is presented. For example, testimony that the person was told in person about the hearing is sufficient notice. Before issuing a bench warrant, the judge should determine if the guardian was notified.

Under Rule 800, 42 Pa.C.S. § 6335(c) was suspended only to the extent that it is inconsistent with this rule. Under [ **paragraph (A)(1)** ] **subdivision (a)(1)**, the judge is to find a subpoenaed or summoned person failed to appear and sufficient notice was given to issue a bench warrant. The fact that the party or witness may abscond or may not attend or be brought to a hearing is not sufficient evidence for a bench warrant. The normal rules of procedure in these rules are to be followed if a juvenile is detained. See Chapter Twelve.

[ **Paragraph (A)(3)** ] **Subdivision (a)(3)** does not preclude the issuance of a bench warrant for a case in which the child is subject to the jurisdiction of the dependency and delinquency court, see Rule 141 (Bench Warrants for Absconders), or an order for protective custody. Nor does the paragraph preclude judicial inquiry into efforts to locate a missing dependent child.

In [ **paragraphs (B)(1)(c)(i), (C)(1)(c)(i), & (C)(4)(e)(i)** ] **subdivisions (b)(1)(iii)(A), (c)(1)(iii)(A), & (c)(4)(v)(A)**, "other placement as deemed appropriate by the judge" does not include a detention facility if a child is only alleged to be dependent because the use of detention facilities for dependent children is strictly prohibited. See 42 Pa.C.S. § 6302 & 6327(e).

Under [ **paragraphs (B)(2) and (B)(4)** ] **subdivisions (b)(2) and (b)(4)**, a party taken into custody pursuant to a bench warrant is to have a hearing within seventy-two hours regardless of where the party is found. See Rule 1242(D).

Pursuant to [ **paragraph (B)(4)** ] **subdivision (b)(4)**, the party may be detained out-of-county until transportation arrangements can be made.

Pursuant to [ **paragraph (C)(4)(b)** ] **subdivision (c)(4)(ii)**, a witness is to [ **be brought** ] **appear** before an out-of-county judge by the next business day unless



the witness can be [ **brought** ] **appear** before the judge who issued the bench warrant within this time. When the witness is transported back to the county of issuance within seventy-two hours of the execution of the bench warrant, the witness is to [ **be brought** ] **appear** before the judge who issued the bench warrant by the next business day. See [ **paragraph (C)(4)(f)** ] **subdivision (c)(4)(vi)**.

Pursuant to [ **paragraph (E)(4)** ] **subdivision (e)(4)**, the bench warrant is to be vacated after the return of the warrant is executed so the party or witness is not taken into custody on the same warrant if the party or witness is released. “Vacated” is to denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

See 42 Pa.C.S. § 4132 for punishment of contempt for children and witnesses.

Throughout these rules, the “child” is the subject of the dependency proceedings. When a witness or another party is under the age of eighteen, the witness or party is referred to as a “minor.” When “minor” is used, it may include a child. This distinction is made to differentiate between children who are alleged dependents and other minors who are witnesses. See also Rule 1120 for the definitions of “child” and “minor.”

[ **Official Note: Rule 1140 adopted March 19, 2009, effective June 1, 2009. Amended April 21, 2011, effective July 1, 2011. Amended April 23, 2018, effective July 1, 2018.**

**Committee Explanatory Reports:**

**Final Report explaining the provisions of Rule 1140 published with the Court’s Order at 39 Pa.B. 1614 (April 4, 2009). Final Report explaining the amendments to Rule 1140 published with the Court’s Order at 41 Pa.B. 2319 (May 7, 2011). Final Report explaining the amendments to Rule 1140 published with the Court’s Order at 48 Pa.B. 2615 (May 5, 2018). ]**

**REPORT**

**Proposed Amendment of Pa.R.J.C.P. 140 & 1140**

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rules of Juvenile Court Procedure 140 and 1140 in response to a rulemaking request regarding the use of Advance Communication Technology (“ACT”) in juvenile court proceedings.

In July of 2021, the Committee received a report prepared by the Administrative Office of Pennsylvania Courts and the Pennsylvania Conference of State Trial Judges concerning the “continued use” of ACT. Given that the use of ACT in juvenile court proceedings has been governed by procedural rule, the report made the following recommendations:

In the Delinquency Rules, it is recommended both the guardian, Pa.R.J.C.P. 131, and the victim, Pa.R.J.C.P. 132, be authorized to participate in proceedings via ACT, at the discretion of the presiding judge. In bench warrant[] proceedings for failure to appear, Pa.R.J.C.P. 140 (C)(1)(a) and 140 (D)(1)(a), it is recommended the juvenile and witnesses be permitted to participate via ACT. It is also recommended

the rules authorize the use of ACT to conduct the hearing required under Pa.R.J.C.P. 140(C)(2) and 140 (D)(2).

There is already liberal authority in the Dependency Rules to utilize ACT to conduct proceedings. See, e.g., Pa.R.J.C.P. 1128 (C) and 1129. As with the Delinquency Rules above, in bench warrant proceedings for failure to appear, it is recommended that both parties, Pa.R.J.C.P. 1140 (B)(1), and witnesses, Pa.R.J.C.P. 1140 (C)(1), be authorized to appear via ACT, and that the hearings pursuant to Pa.R.J.C.P. 1140 (B)(2) and 1140 (C)(2) be conducted using ACT, at the discretion of the presiding judge. It is also recommended ACT be authorized to conduct hearings when a witness is out-of-county, Pa.R.J.C.P. 1140(C)(4). It is recommended ACT be authorized to conduct permanency hearings under Pa.R.J.C.P. 1609.

It is further recommended that Juvenile Court Procedural Rules, Pa. R.J.C.P. 120 and 1120, contain a definition of “good cause”.

Remote Proceedings Task Force: Continued Use of Advanced Communication Technology (ACT) Following the Termination of Judicial Emergencies, at p. 14 (June 2021). The report also recommended a uniform definition of ACT and the use of ACT for the service of orders and filings.

The presence of a guardian or victim at a delinquency proceeding via ACT is not precluded by Pa.R.J.C.P. 131 or 132. Therefore, the Committee does not believe amendments are necessary. However, when a guardian or victim is appearing as a witness in certain proceedings, the requirements for consent to use ACT have been retained. See, e.g., Pa.R.J.C.P. 406(C); Pa.R.J.C.P. 512(A)(3). Although these requirements do not prohibit the use of ACT, *per se*, the requirement of consent operates to restrict the unilateral judicial application of ACT to all proceedings.

The report also recommended amendments to rules governing bench warrant proceedings to clarify the permitted use of ACT. See Pa.R.J.C.P. 140 & 1140. The Committee proposes for comment responsive amendments to that recommendation. The report also recommends that ACT be authorized to conduct permanency hearings. The Committee believes such authority presently exists in Pa.R.J.C.P. 1608(E) for good cause.

Concerning the requested definition of “good cause,” as it relates to the use of ACT, the Committee is not inclined to recommend a definition because any definition may be unintentionally too broad or too narrow given that the phrase exists in 23 rules, some of which are not related to the use of ACT. See, e.g., Pa.R.J.C.P. 150(C)(1)(a) (“good cause” to withdraw as counsel). Notwithstanding, “good cause” has been defined generally as:

[A] substantial reason, one that affords a legal excuse. Legally sufficient ground or reason. Phrase “good cause” depends upon circumstances of [an] individual case, and finding of its existence lies largely in [the] discretion of [an] officer or court to which [the] decision is committed.... “Good cause” is a relative and highly abstract term, and its meaning must be determined not only by verbal context of statute in which term is employed but also by context of action and procedures involved in type of case presented.

*Anderson v. Centennial Homes, Inc.*, 594 A.2d 737, 739 (Pa. Super. 1991) (quoting Black's Law Dictionary 623 (5th ed. 1979)). Kindly note that the Comments accompanying Pa.R.J.C.P. 129 and 1129 contain examples of "good cause," *i.e.*, "Advanced communication technology may be utilized for the convenience of witnesses; efficient use of resources; or when a party or witness has an illness, is incarcerated, or is otherwise in a remote location." In sum, the Committee believes that what constitutes "good cause" is best relegated to judicial discretion based upon immediate facts.

The report also recommended study of the use of ACT for the service of orders and filings, other than original process. The Committee wishes to note that the rules currently provide clerks of court several options to serve court orders and notices on counsel or unrepresented parties including the use of facsimile or email, upon request. *See* Pa.R.J.C.P. 167(B); 1167(B). Moreover, PACFile, an electronic filing system developed and maintained by the Administrative Office of Pennsylvania Courts, is available for use in the juvenile courts. That system contains a functionality whereby users are notified of orders and filings in lieu of traditional service methodologies. *See* Pa.R.J.C.P. 205(H); 1205(H). Of course, nothing in the rules precludes the use of ACT to send parties and witnesses "reminders" of court proceedings provided that notice has also been served in accordance with the rules.

The Committee will consider alternative service methodologies at a later date and specifically welcome readers' input on whether the existing service methodologies are ineffective and whether sufficiently reliable alternative methods exist.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 21-1987. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [ 246 PA. CODE CH. 200 ]

#### Proposed Amendment of Pa.R.Civ.P.M.D.J. 202 and 215

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 202 and 215 governing advanced communication technology for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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

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

All communications in reference to the proposal should be received by January 4, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Minor Court Rules Committee*

HONORABLE MARGARET A. HUNSICKER,  
*Chair*

### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

#### Rule 202. Definitions.

As used in these rules, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

"adult" means an individual eighteen years of age or older;

**[ "advanced communication technology" is any communication equipment that is used as a link between parties in physically separate locations. ]**

"attorney at law" means an individual admitted to practice law by the Supreme Court of Pennsylvania;

\* \* \* \* \*

"verified," when used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

**[ Official Note: Justices of the peace are now statutorily known as "magisterial district judges." ]**

#### Comment:

**Previously, magisterial district judges were statutorily known as "justices of the peace" and "district justices."** *See* 42 Pa.C.S. § 102 and 42 P.S. § 20003(d). As to magisterial district judges' civil jurisdiction, *see* 42 Pa.C.S. § 1515(a). The definitions of "sheriff" and "constable" include their deputies. As to deputy sheriffs, *see* 16 P.S. §§ [ 1202 ] **1202-A** and 4202. As to deputy constables, *see* [ 13 P.S. §§ 21—23 ] **44 Pa.C.S. § 7122**. As to certification of constables and deputy constables, *see* [ 42 Pa.C.S. § 2942 ] **44 Pa.C.S. § 7142**.

#### Rule 215. Advanced Communication Technology.

**[ Magisterial district judges may authorize the use of advanced communication technology during**

any civil proceeding or action governed by the Rules of Civil Procedure for Magisterial District Judges.]

**(a) Definition.** “Advanced Communication Technology” shall mean any communication technology providing for two-way simultaneous communication of image and sound.

**(b) General Rule.** Proceedings may be conducted using advanced communication technology in accordance with local rule.

[ *Official Note:* This rule was adopted in 2008 to specify that ]

**Comment:**

A magisterial district [judges] judge may use advanced communication technology in [their courtrooms] the courtroom during an adversarial [proceedings. In] proceeding or an *ex parte* proceeding, such as an action pursuant to the Protection From Abuse Act, 23 Pa.C.S. §§ 6101–6122, or 42 Pa.C.S. §§ 62A01–62A20 (providing for protection of victims of sexual violence or intimidation), [magisterial district judges also may permit the use of advanced communication technology. Limited technology available in some magisterial district courts may preclude the use of certain advanced communication technology options] in accordance with local rule. Compare Pa.R.Crim.P. 119. For local rulemaking, see Pa.R.J.A. 103(d).

**PUBLICATION REPORT**

**Proposed Amendment of  
Pa.R.Civ.P.M.D.J. 202 and 215**

The Minor Court Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the amendment of Rules 202 and 215 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges (“Rules”) in response to a rulemaking request. This proposal would update the definition of “advanced communication technology” (“ACT”) and delegate rule-making authority relative to the use of ACT to the judicial districts in the form of local rules.

*Background*

The current definition of ACT applicable to civil matters in magisterial district courts is “any communication equipment that is used as a link between parties in physically separate locations.” See Pa.R.Civ.P.M.D.J. 202. Wide discretion is given to the magisterial district judges in the use of ACT in the magisterial district courts—“Magisterial district judges may authorize the use of [ACT] during any civil proceeding or action governed by the Rules of Civil Procedure for Magisterial District Judges.” See Pa.R.Civ.M.D.J. 215. These Rules have been in effect since 2008.

In July of 2021, the Committee received a report prepared by the Administrative Office of Pennsylvania Courts and the Pennsylvania Conference of State Trial Judges concerning the “continued use” of ACT. Given that the use of ACT in magisterial district court proceedings has been governed by procedural rule, the report recommended a number of rule amendments generally enabling or expanding the use of ACT:

The Task Force reviewed the civil and criminal procedural rules implicated in matters before the

minor judiciary to determine where it may be appropriate to recommend expanded authorization to use ACT in conducting court proceedings. As with other procedural rules, continued and expanded use of ACT is recommended in virtually all proceedings.

\* \* \* \* \*

The Rules governing civil proceedings in the minor judiciary already permit the use of ACT. Pa.R.C.P.M.D.J. 215. For proceedings conducted in whole or in part using ACT, it may be necessary to compel witnesses to attend and testify or to produce documents virtually. For this reason, it is recommended that Pa.R.C.P.M.D.J. 213-214 be amended to authorize service of subpoenas, and to compel testimony or the production of documents, via ACT or electronic communications in minor court civil proceedings. It is similarly recommended that authorization be given to file and serve original civil process and to conduct actions for the recovery of possession of real property using ACT or electronic communications in minor court proceedings. To facilitate this authorization, amendments would be needed to Pa.R.C.P.M.D.J. 303–305, 307–314, 502(B), 506, 508, and 515–517. Electronic service should also be authorized in appeals. Pa.R.C.P.M.D.J. 1005(E).

Remote Proceedings Task Force: Continued Use of Advanced Communication Technology (ACT) Following the Termination of Judicial Emergencies, at pp. 16-17 (June 2021).<sup>1</sup> The report also referenced the use of ACT in emergency protection from abuse matters.

*Discussion*

Insofar as a significant aspect of applicability and procedures would be delegated to local rule, several observations can be made. First, the judicial districts have acquired significant experience with the use of ACT during the pandemic and, consequently, have existing local procedures and practices that work. At this juncture, there does not appear to be a need for further statewide procedures nor were further statewide procedures necessary for the use of ACT, prior to pandemic. Thus, absent a demonstrated need, procedures would be left to local rule. Note, however, those practices governing the use of ACT would need to be codified into a local rule. See Pa.R.J.A. 103(d).

Second, it should be acknowledged that delegating applicability and procedures to local rule creates the opportunity for significant variation among judicial districts. This may be challenging to multi-district practitioners who must navigate not only among the various local procedures and types of proceedings that use ACT, but also the different technologies employed. If the extent of any variation imposes undue burdens on practice of law or becomes “unacceptable” to the concept of a unified judicial system, the necessity of uniform statewide applicability and procedures may be revisited. Over time, a consensus may be reached on the best practice as it relates to applicability and procedures.

Regarding a uniform definition of ACT, discussion arose whether the definition should include both an audio and video component, *i.e.*, “sound and sight.” The current ACT definition set forth at Pa.R.Civ.P.M.D.J. 202 is broad and permits communication by audio only. Reasons in favor of a video component include:

<sup>1</sup> While the Task Force’s report discusses the use of ACT in criminal matters before the minor judiciary, this proposal is limited in scope to civil proceedings. The report also recommended the use of ACT for the service of orders and filings. Presumably, the form of ACT for service would rely upon the report’s proffered definition of “electronic communication.” The Committee is not addressing the electronic service of orders and filings at this time.

- It provides a more comprehensive form of witness identification.
- It reduces the opportunity for contemporaneous witness coaching.
- It reinforces witness sequestration.
- It assures a modicum of decorum.
- It provides a means to evaluate credibility and demeanor.
- It ensures that non-verbal communication is observable.
- It detects whether a witness's responses are based upon contemporaneous, independent recollection or whether the witness is relying upon a writing to refresh recollection. *See* Pa.R.E. 612.

Moreover, the technology for contemporaneous audiovisual communication has greatly improved, become more accessible, and confidence in its use has increased.

An argument against requiring a visual component within the definition of ACT is that it may limit the use of ACT. For example, there may be geographical locations where necessary bandwidth does not exist or a participant does not have the technology for audio and visual communications. The merit of these arguments is acknowledged, but the preferred alternative would be for the participant to either appear in court or appear from a location where the proponent of the testimony can provide audio and visual communications, *e.g.*, the attorney's office.

Moreover, retaining a form of communication that only has an audio component could be seen as a step back from the successful use of technology during the pandemic. Nonetheless, the use of audio-only communication technology has been permitted in the magisterial district courts since 2008.

#### *Proposed Rule Amendments*

The proposed amendments delete the definition of ACT from Pa.R.Civ.P.M.D.J. 202 and add a revised definition of ACT to Pa.R.Civ.P.M.D.J. 215. The revised definition of ACT requires "two-way simultaneous communication of image and sound" for the reasons discussed *supra*. Moreover, the proposed rule shifts discretion for the use of ACT from individual magisterial district judges to local rules promulgated by the judicial district. The proposed amendments also include stylistic changes and updates to

statutory references. The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 21-1988. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rule of Judicial Administration LJA100; Administrative Doc. No. 10224-2021

#### Administrative Order

October 22, 2021

It is hereby *Ordered* that the following Beaver County Local Rule of Judicial Administration LJA100 is *Rescinded*, effective January 1, 2022.

Pursuant to Pa.R.J.A. 103(c), the District Court Administrator is directed to:

1. file one (1) copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2) submit two (2) paper copies of this Administrative Order and a copy on a computer diskette, CD-ROM, or other approved format containing the text of the Administrative Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) compile the local rule within the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

4) publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, <http://www.beavercountypa.gov/Depts/Courts>, after publication in the *Pennsylvania Bulletin*.

5) keep a copy of this Administrative Order continuously available for public inspection and copying in the Clerk of Courts Office; and the Beaver County Law Library.

*By the Court*

RICHARD MANCINI,  
*President Judge*

[Pa.B. Doc. No. 21-1989. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Promulgation of Local Rules; No. 1793 S 1989

#### Order

*And Now*, this 16th day of November, 2021, Dauphin County Local Rules of Civil Procedure 1920.43, 1920.51, 1920.51A, 1920.74(a), 1920.74(b), and 1920.77 are amended as follows:

Rule 1920.43. Pre-Hearing Divorce Matters, Special Relief, Advance Distribution, Discovery, Post-Divorce Issues (Other Than Exceptions to [ **Master's** ] **Hearing Officer's** Report).

(a) The Court may assign Petitions for Special Relief and Motions raising pre-trial and post-divorce issues to the Divorce [ **Master** ] **Hearing Officer**.

(b) Any Pre-Hearing or Post-Divorce Petition or Motion in a divorce matter shall comply with Dauphin County Local Rule 205.2(a)(3)(b).

(1) The filing party shall certify that (s)he disclosed the full text of the Petition or Motion and Proposed Order to all parties by facsimile or electronic communication and whether each party concurs or opposes the Petition or Motion and Proposed Order in accordance with Dauphin County Local Rule 208.2(d).

(2) If any party opposes the Petition or Motion and Proposed Order, or any party fails to respond in a timely manner, the Petition or Motion is contested and the moving party shall attach:

- (a) A Rule to Show Cause in accordance with Pa.R.C.P. 206.5;
- (b) A Proposed Order;
- (c) A Certificate of Service;
- (d) A Self-Represented Party Entry of Appearance if unrepresented by legal counsel.

(3) If all parties concur, the Petition or Motion is uncontested and the filing party shall attach the proposed agreed Order.

(c) If the Petition or Motion is contested, a Family Court Judge shall issue a Rule to Show Cause.

(d)(1) Either party shall file an original and one copy of the Request for Assignment form with the Prothonotary when a response to the Rule to Show Cause is filed or the time for a response has expired. The Request for Assignment form shall be in the following form. This form is available [ at [www.dauphincounty.org/government/Court-Departments/Self-Help Center/default.aspx](http://www.dauphincounty.org/government/Court-Departments/Self-Help-Center/default.aspx) ] in the Dauphin County Self-Help Center.

\_\_\_\_\_  
 Plaintiff : IN THE COURT OF COMMON PLEAS  
 : DAUPHIN COUNTY, PENNSYLVANIA  
 :  
 v. : NO. \_\_\_\_\_ CV \_\_\_\_\_  
 :  
 \_\_\_\_\_ : CIVIL ACTION  
 Defendant : IN DIVORCE

(ATTORNEY FOR MOVING PARTY) (SELF-REPRESENTED MOVING PARTY):

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail: \_\_\_\_\_

(ATTORNEY FOR NON-MOVING PARTY) (SELF-REPRESENTED NON-MOVING PARTY):

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail: \_\_\_\_\_

REQUEST FOR ASSIGNMENT TO DIVORCE [ **Master** ] **Hearing Officer** OR JUDGE

Date Petition for Special Relief/Advance Distribution/Post-Divorce Relief was filed: \_\_\_\_\_

Date Rule to Show Cause was issued: \_\_\_\_\_

Date Response was filed: \_\_\_\_\_

The matter is ready for assignment to a Judge or Divorce [ **Master** ] **Hearing Officer**.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

(2) The Court Administrator’s Office shall assign the Petition and Response to a Family Law Judge for review. The Family Law Judge shall either schedule a hearing, enter an Interim Order and refer the matter to the Divorce [ **Master** ] **Hearing Officer**, or refer the matter to the Divorce [ **Master** ] **Hearing Officer** to address the issues in dispute.

(3) If the Family Law Judge refers the matter to the Divorce [ **Master** ] **Hearing Officer**, the moving party shall file an original and one copy of a Motion for Appointment of [ **Master** ] **Hearing Officer** with the Prothonotary together with the \$75.00 administrative fee in accordance with Dauphin County Local Rule 1920.51 plus any other filing fee required by the Prothonotary.

(4) The Prothonotary shall promptly forward the Motion for Appointment of [ **Master** ] **Hearing Officer** to the Court Administrator’s Office. A Family Court Judge will appoint the Divorce [ **Master** ] **Hearing Officer** to hear the pending matter.

(5) The Divorce [ **Master** ] **Hearing Officer** will schedule a Conference.

(6) The Divorce [ **Master** ] **Hearing Officer** shall file a Memorandum memorializing the agreement reached at any Pre-Hearing Conference with the Prothonotary and shall forward the agreed Order to a Family Court Judge for review.

(7) The Divorce [ **Master** ] **Hearing Officer** shall schedule a hearing if an agreement is not reached at any Conference.

(8) The Divorce [ **Master** ] **Hearing Officer** shall file a Report and Recommendation and Proposed Order with the Prothonotary within twenty (20) days in uncontested actions or thirty (30) days in contested actions from the date of the hearing and mail a copy of the Report and Recommendation and Proposed Order to all counsel and/or self-represented parties.

(9) A party may file exceptions to the Report and Recommendation and Proposed Order in accordance with Pa.R.C.P. 1920.55-2(b).

(10) If no exceptions are filed, the Prothonotary shall promptly forward the Report and Recommendation and Proposed Order to the Court Administrator's Office for assignment to a Family Court Judge to issue an Order.

(11) If exceptions are filed, the Prothonotary shall promptly forward the Exceptions to the Court Administrator's Office for assignment to a Family Court Judge for disposition.

(e) A party may file an original and one copy of a Motion For Appointment of [ **Master** ] **Hearing Officer** with the Prothonotary together with the administrative fee of \$75.00 plus any other filing fee required by the Prothonotary to address discovery at any point after the filing of the Divorce Complaint.

**Rule 1920.51. Equitable Distribution, Divorce, Annulment, Alimony, Counsel Fees, Costs and Expenses.**

(1) The Divorce [ **Master** ] **Hearing Officer** shall hear annulment, divorce, economic claims in divorce including alimony, equitable distribution, counsel fees, costs and expenses or any aspect thereof.

(2) Any party shall file an original and a copy of the Motion for Appointment of [ **Master** ] **Hearing Officer** with the Prothonotary if proceeding under Dauphin County Local Rule 1920.51. If a [ **Master** ] **Hearing Officer** was previously appointed because of pretrial or discovery matters, the administrative fee of \$75.00 plus any filing fee required by the Prothonotary shall be paid to the Prothonotary. If a [ **Master** ] **Hearing Officer** has not been previously appointed, an administrative fee of \$150.00 plus any filing fee required by the Prothonotary shall be paid to the Prothonotary. The Motion for Appointment of [ **Master** ] **Hearing Officer** shall be in form prescribed by Dauphin County Local Rule 1920.74(a).

(3) The Motion shall include the following attachments:

(a) An updated Income and Expense Statement in the form required by Pa.R.C.P. 1910.27(c)(1).

(b) An updated Inventory and Appraisal in the form required by Pa.R.C.P. 1920.75.

(c) A proposed Order appointing the [ **Master** ] **Hearing Officer** and scheduling a Preliminary Conference in the form prescribed by Dauphin County Local Rule 1920.74(b).

(d) A Certificate of Service.

(e) A Self-Represented Entry of Appearance if the filing party is unrepresented by legal counsel.

(4) The Prothonotary shall forward the Motion for Appointment of [ **Master** ] **Hearing Officer** to the Court Administrator's Office. A Family Court Judge shall ap-

point the Divorce [ **Master** ] **Hearing Officer** and the Divorce [ **Master** ] **Hearing Officer** shall schedule a Preliminary Conference with the parties and their legal counsel.

(5) At the Preliminary Conference, the Divorce [ **Master** ] **Hearing Officer** shall address all outstanding pre-trial matters with counsel and the parties.

(6) Following the Preliminary Conference, the Divorce [ **Master** ] **Hearing Officer** shall schedule a Settlement Conference with the parties and their legal counsel.

(7) Following both the Preliminary Conference and the Settlement Conference, the Divorce [ **Master** ] **Hearing Officer** shall prepare a Memorandum memorializing any agreements and schedule the matter for a hearing on all remaining contested issues.

(8) The Divorce [ **Master** ] **Hearing Officer** shall file the Memorandum with the Prothonotary and mail a copy of the Memorandum to all legal counsel and self-represented parties in accordance with Pa.R.C.P. 1920.51.

(9) The Court shall pay a stenographer's appearance fee if a court reporter not employed by Dauphin County transcribes the hearing testimony; however the cost of any transcripts requested by the parties shall be borne by the parties.

(10) The Divorce [ **Master** ] **Hearing Officer** shall file a Report and Recommendation and Proposed Order with the Prothonotary in accordance with the Pennsylvania Rules of Civil Procedure.

(11) A copy of the Report and Recommendation and Proposed Order shall be mailed to counsel and self-represented parties with written notice of the right to file Exceptions.

(12) If the parties request a transcript, the Divorce [ **Master** ] **Hearing Officer** may delay the filing of the Report and Recommendation and Proposed Order or file a Supplemental Report and Recommendation and Proposed Order in accordance with the Pennsylvania Rules of Civil Procedure.

(13) If no timely Exceptions are filed, the Prothonotary shall promptly forward the Report and Recommendation and Proposed Order to the Court Administrator's Office for assignment to a Family Court Judge. If a Family Court Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

(14) An original and a copy of Exceptions to the Divorce [ **Master's** ] **Hearing Officer's** Report and Recommendation shall be filed with the Prothonotary's Office along with a Prior Court Involvement Statement in accordance with Dauphin County Local Rule 1931. This form is available [ [at www.dauphincounty.org/government/Court/Self-HelpCenter/Pages/default.aspx](http://www.dauphincounty.org/government/Court/Self-HelpCenter/Pages/default.aspx) ] in the Dauphin County Self-Help Center.

(15) The Prothonotary shall forward the Exceptions to the Report and Recommendation to the Court Administrator's Office for assignment to a Family Court Judge. If a Family Court Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

(16) The Court shall promptly issue an Order scheduling a conference, the filing of briefs and/or oral argument.

**Rule 1920.51A. Administrative Fees for Divorce Matters.**

(1) *DIVORCE COMPLAINT*: The plaintiff shall pay a \$125.00 administrative fee plus any filing fees required by the Prothonotary at the time the divorce complaint is filed.

**(2) MOTION FOR APPOINTMENT OF [ MASTER ] HEARING OFFICER:**

(a) The party filing the Motion for Appointment of [ **Master** ] **Hearing Officer** shall pay a \$75.00 administrative fee plus any filing fees required by the Prothono-

tary if proceeding under Dauphin County Local Rule 1920.43.

(b) The filing party shall pay a \$150.00 administrative fee plus any filing fees required by the Prothonotary if proceeding under Dauphin County Local Rule 1920.51 and a [ **Master** ] **Hearing Officer** has not been previously appointed.

(c) The filing party shall pay a \$75.00 administrative fee plus any filing fees required by the Prothonotary if proceeding under Dauphin County Local Rule 1920.51 and a [ **Master** ] **Hearing Officer** was previously appointed under Dauphin County Local Rule 1920.43.

Rule 1920.74(a). FORM-Motion for Appointment of [ **Master** ] **Hearing Officer**.

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	DAUPHIN COUNTY, PENNSYLVANIA
	:	
v.	:	NO. _____ CV _____
	:	
_____	:	CIVIL ACTION
Defendant	:	IN DIVORCE

(ATTORNEY FOR MOVING PARTY)(SELF-REPRESENTED MOVING PARTY):

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail: \_\_\_\_\_

(ATTORNEY FOR NON-MOVING PARTY) (SELF-REPRESENTED NON-MOVING PARTY):

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**MOTION FOR APPOINTMENT OF [ MASTER ] HEARING OFFICER**

1. Check one of the following boxes:

- I file this motion in accordance with Dauphin County Local Rule 1920.51. I request that all issues raised be decided by the Divorce [ **Master** ] **Hearing Officer**. I paid the \$150.00 administrative fee plus any filing fees required by the Prothonotary. The Divorce [ **Master** ] **Hearing Officer** was not previously appointed for pre-trial or discovery matters.
- I file this motion in accordance with Dauphin County Local Rule 1920.51. I request that all remaining issues raised be decided by the Divorce [ **Master** ] **Hearing Officer**. I paid the \$75.00 administrative fee plus any filing fees required by the Prothonotary. The Divorce [ **Master** ] **Hearing Officer** was previously appointed for pre-trial or discovery matters.
- I file this motion in accordance with Dauphin County Local Rule 1920.43 and request that discovery, special relief matters, or other pre-trial or post-divorce issues excluding Exceptions to [ **Master's** ] **Hearing Officer's** Report be decided by the Divorce [ **Master** ] **Hearing Officer**. I paid the \$75.00 administrative fee plus any filing fees required by the Prothonotary.

2. \_\_\_\_\_, (circle one) PLAINTIFF/DEFENDANT, moves the Court to appoint a Divorce [ **Master** ] **Hearing Officer** with respect to the following claims:

- Divorce       Annulment     Alimony
- Equitable Division of Marital Property     Counsel Fees
- Costs and Expenses                       Other: \_\_\_\_\_

3. The plaintiff's current mailing address is

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

4. The defendant's current mailing address is

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

5. The non-moving party (circle one) (has)(has not) appeared in the action (circle one) (personally) (by his/her attorney) \_\_\_\_\_, Esquire

6. The statutory ground(s) for divorce (is)(are):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

7. Discovery (circle one) (is)(is not) complete.

8. If the [ **Master's** ] **Hearing Officer's** appointment is for resolution of a divorce, an annulment, or ancillary claims, the parties have complied with Pa.R.C.P. Nos. 1920.31, 1920.33, and 1920.46, as applicable.

9. Check and complete the applicable paragraph(s):

- (a) The action is not contested.
- (b) An agreement has been reached with respect to the following claims: \_\_\_\_\_.
- (c) The action is contested with respect to the following claims: \_\_\_\_\_.

10. The action (involves) (does not involve) complex issues of law or fact.

11. The hearing is expected to take \_\_\_\_\_ (hours) (days).

12. Additional information, if any, relevant to the motion:

\_\_\_\_\_.

13. I mailed a copy of this motion to all parties and/or their legal counsel at the addresses listed above on \_\_\_\_\_, 20\_\_\_\_\_.

Respectfully submitted:

\_\_\_\_\_  
Date Signature

Rule 1920.74(b). FORM-Order Appointing [ **Master** ] **Hearing Officer** and Scheduling Preliminary Conference.  
[CAPTION]

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ the Motion of Appointment of [ **Master** ] **Hearing Officer** is GRANTED and \_\_\_\_\_ is appointed as [ **Master** ] **Hearing Officer** with respect to the following claims:

- Divorce     Annulment     Alimony
- Equitable Division of Marital Property     Counsel Fees
- Costs and Expenses     Other: \_\_\_\_\_

A Preliminary Conference is scheduled for both parties and their attorneys on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_: \_\_\_\_\_M. in Conference Room 2 on the 7th Floor of the Juvenile Justice Center, 25 S. Front Street, Harrisburg, Pennsylvania 17101.

If economic claims have been raised of record in this case, to the extent not already filed, the non-moving party shall have ten (10) days from the date of this Order to file the documents required by Pa.R.C.P. 1920.31(a) and Pa.R.C.P. 1920.33(a). Failure to file the required documents may subject the offending party to sanctions as provided in those rules.

BY THE COURT:

\_\_\_\_\_  
Judge



DISTRIBUTION:

**Rule 1920.77. Divorce Information Sheet.**

(a) The Divorce Information Sheet shall be filed with the Prothonotary simultaneously with the filing of the Praecipe to Transmit Record pursuant to Pa.R.C.P. 1920.42 or the filing of the Motion for Appointment of [ **Master** ] **Hearing Officer** pursuant to Pa.R.C.P. 1920.51. The Divorce Information Sheet shall be obtained from the Prothonotary's Office. The Divorce Information Sheet shall contain the Social Security Numbers of the parties to the divorce in accordance with 23 Pa.C.S. Section 4304.1(a)(3). The Divorce Information Sheet shall also contain information to enable the Prothonotary to submit required statistical information to the Commonwealth of Pennsylvania, Department of Health, Vital Statistics Division.

(b) After the Divorce Decree is signed by a judge, the Divorce Information Sheet shall be removed from the public file by the Prothonotary and shall be kept confidential in accordance with 23 Pa.C.S. Section 4304.1(a)(3).

The previously listed amendments shall be published in the *Pennsylvania Bulletin* and will become effective January 1, 2022.

*By the Court*

JOHN F. CHERRY,  
*President Judge*

[Pa.B. Doc. No. 21-1990. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### NORTHAMPTON COUNTY

#### Administrative Order 2021-19; Establishment of a Central Court; No. C-48-AD-211-2021

##### Amended Administrative Order

*And Now*, this 15th day of November, 2021, pursuant to Pennsylvania Rule of Judicial Administration 605(A)(5) and Pennsylvania Rule of Criminal Procedure 131(B), in order to serve the public's compelling interest in conducting judicial proceedings in the most efficient, secure, and cost-effective manner, the President Judge of the Third Judicial District has determined that local conditions require establishment of a central location for conducting preliminary hearings in criminal cases. Accordingly, it is hereby *Ordered* as follows:

1. In criminal cases originating in Magisterial District Courts of the Third Judicial District, preliminary hearings for incarcerated defendants shall be held in the Northampton County Courthouse, Courtroom 4, 669 Washington Street, Easton, Pennsylvania 18042. The courtroom where such preliminary hearings are conducted shall be known as "Central Court."

2. The operations of Central Court shall be administered by the Court Administrator of the Northampton County Court of Common Pleas and employees in the Office of Court Administration ("Central Court Staff"). The Court Administrator and Central Court Staff shall be responsible for all administrative functions of Central Court, including, but not limited to, creating the rotation schedule for Magisterial District Judges, assigning and supervising courtroom personnel and support staff, creating the calendar for scheduling of preliminary hearings, processing requests for continuances, providing court files to the designated Magisterial District Judge sitting in Central Court, setting protocols governing security and public health issues, and coordinating with Magisterial District Courts, the Northampton County Sheriff's Department, the Criminal Division of the Northampton County Court of Common Pleas, the District Attorney's Office, the Public Defender's office, police departments, private counsel, litigants, and witnesses. Central Court

may be contacted by calling 610-829-6919 or by sending an email to [centralcourt@northamptoncounty.org](mailto:centralcourt@northamptoncounty.org).

3. On each day that Central Court is in session, one Magisterial District Judge shall be temporarily reassigned from his or her own Magisterial District Court to Central Court and shall preside over all proceedings conducted in Central Court that day. Magisterial District Judges shall be assigned to Central Court on a rotating basis, with the duty of serving in Central Court apportioned equally among all Magisterial District Judges. The rotation schedule shall be created by the Court Administrator. If a Magisterial District Judge will be unable to assume his or her Central Court assignment for a particular date, the assigned Magisterial District Judge shall be responsible for securing another Magisterial District Judge to assume the assignment for that date and shall notify Central Court of the change as soon as is reasonably practicable.

4. Central Court shall be in session every week from Monday through Friday between 9:00 a.m. and 12:00 p.m. and between 1:00 p.m. and 4:30 p.m. Preliminary hearings shall be scheduled at one hour intervals throughout the day, or at longer intervals as circumstances may require.

5. Preliminary hearings shall be scheduled in the first instance during the preliminary arraignment process upon issuance of a summons by the originating Magisterial District Court through the Magisterial District Judge System ("MDJS"). At the conclusion of the preliminary arraignment, the Magisterial District Judge shall issue a written notice (1) identifying the date, time, and place of the preliminary hearing in accordance with the requirements of this order and Pennsylvania Rule of Criminal Procedure 540; (2) indicating whether the defendant will require a foreign-language interpreter for the preliminary hearing, and, if so, the language for which the interpreter will be needed; (3) stating that, if the preliminary hearing is scheduled to take place at Central Court, the location of the hearing will not change regardless of whether the defendant remains incarcerated at the time of the preliminary hearing or is released from incarceration prior to the date of the preliminary hearing; and (4) providing that if an incarcerated defendant is released from incarceration prior to the date of the preliminary hearing, the

defendant shall notify Central Court within twenty-four hours of his or her release by calling 610-829-6919 or by sending an email to centralcourt@northamptoncounty.org.

6. The staff of the originating Magisterial District Court shall require that the written notice referenced in paragraph 5 above and the following documents (as and where applicable) be entered into the MDJS and scanned into the Electronic Records Management System ("ERMS"): criminal complaint, affidavit of probable cause, confidential information form, bail bond, executed and returned arrest warrant, executed and returned search warrants, and any and all other documents created or referenced at the preliminary arraignment. The ERMS shall be accessible to the originating Magisterial District Court and Central Court Staff.

7. As soon as is reasonably practicable, Central Court Staff shall provide copies of the documents scanned into the ERMS and the schedule of upcoming preliminary hearings to (1) the Criminal Division of the Northampton County Court of Common Pleas; (2) the Northampton County District Attorney's Office; (3) the Northampton County Public Defender's Office; and (4) defense attorneys.

8. The schedule of each week's preliminary hearings to be held at Central Court shall be posted on the Northampton County Court of Common Pleas website at "www.nccpa.org" and in the hallway outside Central Court.

9. Following each proceeding in Central Court, Central Court staff shall scan any and all documents generated at the proceeding into the ERMS. When all Central Court proceedings in an individual case have been concluded, Central Court Staff shall deliver the original case documents to the Criminal Division of the Court of Common Pleas. Any documents required to be provided to the Office of the District Attorney or the Public Defender's Office shall be transmitted to those Offices by Central Court Staff.

10. The Court Administrator shall take all steps necessary to implement the provisions of this Order.

11. This Order shall become effective on January 3, 2022 and the first preliminary hearing of an incarcerated defendant shall take place on January 13, 2022, at the Northampton County Courthouse.

*By the Court*

MICHAEL J. KOURY, Jr.,  
*President Judge*

[Pa.B. Doc. No. 21-1991. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### List of Financial Institutions

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

SUZANNE E. PRICE,  
*Attorney Registrar*

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

### Bank Code A.

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

### Bank Code B.

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

### Bank Code C.

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

### Bank Code D.

339	Dime Bank (The)
27	Dollar Bank, FSB

### Bank Code E.

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

### Bank Code F.

629	1st Colonial Community Bank
158	1st Summit Bank
31	F & M Trust Company—Chambersburg
658	Farmers National Bank of Canfield

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

**Bank Code G.**

499 Gratz Bank (The)  
 498 Greenville Savings Bank

**Bank Code H.**

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

**Bank Code I.**

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

**Bank Code J.**

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

**Bank Code K.**

651 KeyBank NA  
 414 Kish Bank

**Bank Code L.**

78 Luzerne Bank

**Bank Code M.**

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

**Bank Code N.**

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

**Bank Code O.**

653 OceanFirst Bank  
 489 OMEGA Federal Credit Union  
 94 Orrstown Bank

**Bank Code P.**

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

**Bank Code Q.**

107 QNB Bank  
 560 Quaint Oak Bank

**Bank Code R.**

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

**Bank Code S.**

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

**Bank Code T.**

143	TD Bank, NA
<b>656</b>	<b>TIOGA FRANKLIN SAVINGS BANK</b>
182	Tompkins Vist Bank
577	Traditions Bank
609	Tristate Capital Bank
672	Truist Bank
640	TruMark Financial Credit Union
467	Turbotville National Bank (The)

**Bank Code U.**

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

**Bank Code V.**

611	Victory Bank (The)
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**Bank Code W.**

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

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

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

**IOLTA EXEMPTION**

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or

exemptions from IOLTA, please visit their website at [www.paiolta.org](http://www.paiolta.org) or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

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

*New*

672	Truist Bank
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*Name Change*

354	<i>Prosper Bank</i> —Change to 354 Presence Bank
542	LinkBank—Change to 499 Gratz Bank (The)
554	Landmark Community Bank—Change to 34 Fidelity Deposit & Discount Bank (The)

*Platinum Leader Change*

182	Tompkins VIST Bank—Remove
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*Correction**Removal*

642	BB & T Company
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[Pa.B. Doc. No. 21-1992. Filed for public inspection December 3, 2021, 9:00 a.m.]

**SUPREME COURT**

**Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 216 Disciplinary Rules Doc.**

**Order***Per Curiam*

*And Now*, this 17th day of November, 2021, it is hereby Ordered that the financial institutions named on the following list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

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

**Bank Code A.**

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

**Bank Code B.**

558	Bancorp Bank (The)
485	Bank of America, NA
662	Bank of Bird in Hand
415	Bank of Landisburg (The)
664	BankUnited, NA
501	BELCO Community Credit Union
652	Berkshire Bank
663	BHCU
5	BNY Mellon, NA

392 Brentwood Bank  
 495 Brown Brothers Harriman Trust Co., NA  
 161 Bryn Mawr Trust Company (The)

**Bank Code C.**

654 CACL Federal Credit Union  
 618 Capital Bank, NA  
 16 CBT Bank, a division of Riverview Bank  
 136 Centric Bank

**394 CFS BANK**

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

**Bank Code D.**

339 Dime Bank (The)  
 27 Dollar Bank, FSB

**Bank Code E.**

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

**Bank Code F.**

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

291 Fox Chase Bank  
 241 Franklin Mint Federal Credit Union  
 639 Freedom Credit Union  
 58 Fulton Bank, NA

**Bank Code G.**

499 Gratz Bank (The)  
 498 Greenville Savings Bank

**Bank Code H.**

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

**Bank Code I.**

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

**Bank Code J.**

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

**Bank Code K.**

651 KeyBank NA  
 414 Kish Bank

**Bank Code L.**

78 Luzerne Bank

**Bank Code M.**

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

**Bank Code N.**

433 National Bank of Malvern  
 168 NBT Bank, NA  
 347 Neffs National Bank (The)

434	<b>NEW TRIPOLI BANK</b>
15	NexTier Bank, NA
636	Noah Bank
638	Norristown Bell Credit Union
666	Northern Trust Co.
439	Northumberland National Bank (The)
93	Northwest Bank

**Bank Code O.**

653	OceanFirst Bank
489	OMEGA Federal Credit Union
94	Orrstown Bank

**Bank Code P.**

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

**Bank Code Q.**

107	QNB Bank
560	Quaint Oak Bank

**Bank Code R.**

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

**Bank Code S.**

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

**Bank Code T.**

143	TD Bank, NA
<b>656</b>	<b>TIOGA FRANKLIN SAVINGS BANK</b>
182	Tompkins Vist Bank
577	Traditions Bank
609	Tristate Capital Bank
672	Truist Bank
640	TruMark Financial Credit Union
467	Turbotville National Bank (The)

**Bank Code U.**

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

**Bank Code V.**

611	Victory Bank (The)
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**Bank Code W.**

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

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

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

**IOLTA EXEMPTION**

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

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

*New*

672	Truist Bank
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*Name Change*

354	Prosper Bank—Change to 354 Presence Bank
542	LinkBank—Change to 499 Gratz Bank (The)
554	Landmark Community Bank—Change to 34 Fidelity Deposit & Discount Bank (The)

*Platinum Leader Change*

182	Tompkins VIST Bank—Remove
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*Correction**Removal*

642	BB & T Company
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[Pa.B. Doc. No. 21-1993. Filed for public inspection December 3, 2021, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[ 49 PA. CODE CH. 43b ]

#### Schedule of Civil Penalties—Crane Operators

The Commissioner of Professional and Occupational Affairs (Commissioner) hereby adds § 43b.28 (relating to schedule of civil penalties—crane operators) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 3108(a)(1) of 63 Pa.C.S. (relating to civil penalties), authorizes the Commissioner, after consultation with licensing boards within the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the respective acts or regulations of the licensing boards.

#### *Background and Purpose*

Section 3108(a)(1) of 63 Pa.C.S. authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. These citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudication and orders, and consent agreements. At the same time, licensees who receive a citation retain their due process right to a hearing prior to the imposition of judgment. The use of citations has increased steadily since 1996, when the program was first implemented, and has become an important part of the Bureau's enforcement efforts. Section 3108(b)(4) of 63 Pa.C.S. authorizes the Board, as a licensing board within the Bureau, to levy a civil penalty of not more than \$10,000 on any licensee or unlicensed person who violates any provision of the Crane Operator Licensure Act (act) (63 P.S. §§ 2400.101—2400.2102) or Board regulations. However, 63 Pa.C.S. § 3108(a)(1)(iii) limits the civil penalty levied by citation to no more than \$1,000 per violation.

Section 702(b) of the Crane Operator Licensure Act (63 P.S. § 2400.702(b)) authorizes the State Board of Crane Operators (Board) to levy a civil penalty of up to \$1,000 on a crane operator who violates a provision of the act, on an individual who operates a crane in violation of the act or on an individual who holds himself out as a crane operator without being properly licensed. Section 703(a)(3) of the act (63 P.S. § 2400.703(a)(3)) further authorizes the Board to suspend or revoke the license of a crane operator who has willfully or repeatedly violated any of the provisions of the act or the Board's regulations.

This is the first time that the Board will participate in the citation program under 63 Pa.C.S. § 3108(a)(1). The Commissioner and the Board believe that it is necessary to implement the civil penalties contained in this final-form rulemaking to act as a deterrent for violations of the statutory and regulatory requirements listed in the sched-

ule of civil penalties and to streamline the disciplinary process to be more efficient and cost effective.

The proposed rulemaking was published at 50 Pa.B. 5850 (October 24, 2020). The Commissioner entertained public comment for a period of 30 days, during which time the Commissioner did not receive any public comments. Following the close of the public comment period, the Commissioner received comments from the Independent Regulatory Review Commission (IRRC). The Commissioner received no comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protections and Licensure Committee (SCP/PLC). The following represents a summary of the comments received and the Commissioner's response.

#### *Comments from IRRC*

IRRC first questioned whether the Bureau and the Board considered qualifying the use of this civil penalty section for the offenses of operating a crane without a license or employing an unlicensed individual to operate a crane in those instances where the violation for either of these two offenses resulted in bodily harm or substantial property damage, and whether a civil penalty should even be available for consideration in those situations. IRRC further asked for an explanation of their rationale and how violations that result in bodily harm or extensive property damage will be treated, and to describe how the approach protects the public health and safety and deters violations of statutory and regulatory requirements.

The Commissioner and the Board, in response to the questions raised by IRRC, have reviewed this civil penalty section, and agree that these sections should be qualified and limited to those violations that do not involve any bodily injury or property damage. To prevent any confusion or possible subjective application in the determination as to what level of bodily injury or property damage would disqualify the ability to issue a citation for this violation, the Commissioner and the Board have decided to limit the use of a citation for a violation of these offenses to those instances where no bodily injury or property damage occur in conjunction with a violation of these offenses. The Commissioner and the Board believe this approach best protects the public health and safety by requiring that any violation of these sections involving bodily injury or property damage to be subject to formal prosecution. As such, these sections are revised accordingly.

IRRC noted that a license to operate a crane is valid only in conjunction with certification if the licensee maintains a current certification in the specialty for which the crane operator is certified. Depending on the specialty or the accrediting organization, certifications are valid for 2 years, 3 years or 5 years. As such, there may be times when a crane operator's certification will expire during the biennial licensing renewal period. IRRC further noted that section 502(b) of the act (63 P.S. § 2400.502(b)) and the Board's regulations in § 6.32(a)(2) (relating to renewal of license) require crane operators to have a current valid certification at all times, and that the Board requires licensees to submit evidence of certification renewal before their current certification expires and that a licensee who has failed to maintain certification or submit evidence of re-certification is subject to disciplinary action. Given these statutory and regulatory provisions, IRRC asked whether the Board considered and rejected establishing a civil penalty for failure to maintain certification or provide evidence of certification

renewal, and if so, to explain the reason and rationale for excluding these offenses from the schedule of civil penalties.

The Commissioner and the Board did not initially consider the inclusion of this violation in the schedule of civil penalties subject to the issuance of a citation. Based upon IRRC's comments and questions, the Board has now reconsidered its position and believes the inclusion of this violation in the schedule of civil penalties would be in the best interest of public health and safety, as it would quickly sanction a crane operator who has failed to maintain the certification evidencing the crane operator's skills and ability to operate a crane safely. As such, this violation is added to the schedule of civil penalties. The schedule for failing to maintain certification, or to submit documentation evidencing renewal of certification as required, will be subject to a \$1,000 civil penalty for a first offense. Subsequent offenses will be subject to formal action.

Finally, IRRC noted that the proposed schedule distinguishes between "operating a crane without a license" and "operating a crane on a lapsed or expired license." For clarity, IRRC recommend the Title/Description of the offense for "holding oneself out as being able to operate a crane or using the title "licensed crane operator" or the abbreviation "L.C.O." without a license" be revised to cover an individual with a lapsed or expired license who holds themselves out as authorized to operate a crane. The Commissioner and Board agree with this recommended revision and make the appropriate revision to this final-form rulemaking.

#### *Fiscal Impact and Paperwork Requirements*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions, and will reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudication and orders for those violations subject to the 63 Pa.C.S. § 3108(a)(1) citation process. The only fiscal impact would be borne by those persons who violate the act or regulations of the Board and are subject to the civil penalties proposed by the new schedule. However, this impact could be avoided by simply complying with the act and regulations of the Board. Additionally, the impact would be incurred whether the Commissioner adopts this schedule of civil penalties or not, as currently all violations require formal disciplinary action.

#### *Sunset Date*

The Commissioner and the Board continually monitor the cost effectiveness of their regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 8, 2020, the Commissioner submitted a copy of the proposed rulemaking, published at 50 Pa.B. 5850, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Commissioner shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when requested. No public comments were received; however, in preparing the final-form regulation, the Commissioner and the Board considered comments

received from IRRC. On April 26, 2021, the Commissioner delivered the final-form rulemaking to IRRC and the Committees. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), the HPLC and the SCP/PLC deemed the regulation approved on June 16, 2021. IRRC met on June 17, 2021, at which time the regulation was disapproved by a vote of 4-1. IRRC issued its disapproval order on July 8, 2021.

Under section 7(c) of the Regulatory Review Act (71 P.S. § 745.7(c)), on August 17, 2021, the Board delivered to IRRC, the HPLC and the SCP/PLC a revised final-form rulemaking and report in response to IRRC's disapproval order. Under section 7(c.1) of the Regulatory Review Act (71 P.S. § 745.7(c.1)), IRRC met on September 23, 2021, and approved the final-form rulemaking. Under section 7.1(d) of the Regulatory Review Act (71 P.S. § 745.7(d)), the final-form rulemaking was deemed approved by the committees on August 31, 2021.

#### *Findings*

The Commissioner 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), referred to as the Commonwealth Documents Law and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of proposed rulemaking published at 50 Pa.B. 5850.

(4) This final-form rulemaking adopted by this order is necessary and appropriate for the administration of 63 Pa.C.S. § 3108 and the act.

#### *Order*

The Commissioner, acting under the authority of 63 Pa.C.S. § 3108, orders that:

(a) The regulations of the Commissioner at 49 Pa. Code are amended by adding § 43b.28 to read as set forth in Annex A.

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

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

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

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

K. KALONJI JOHNSON,  
*Commissioner*

(*Editor's Note:* See 51 Pa.B. 6494 (October 9, 2021) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 16A-7103 remains valid for the final adoption of the subject regulation.



Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Subchapter A. SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL

PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.28. Schedule of civil penalties—crane operators.

STATE BOARD OF CRANE OPERATORS

<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Penalties</i>
Section 2400.501(a)	§ 6.41(a)	Operating a crane without a license, provided that no bodily injury or property damage was involved.	1st Offense—\$750 Subsequent offenses—formal action
Section 2400.501(b)	§ 6.43(a)	Employing, allowing, directing, retaining or hiring an unlicensed individual or independent contractor to operate a crane, provided that no bodily injury or property damage was involved.	1st Offense—\$1,000 Subsequent offenses—formal action
Section 2400.501(e)	§ 6.41(a)	Holding oneself out as being able to operate a crane or using the title “licensed crane operator” or the abbreviation “L.C.O.” without a license or after a crane operator’s license has lapsed or expired.	1st Offense—\$500 2nd Offense—\$750 Subsequent offenses—formal action
	§ 6.31(a)	Operating a crane on a lapsed or expired (unregistered) license, provided that no bodily injury or property damage was involved.	1st Offense—Up to 24 months, \$50 per month not to exceed \$1,000; over 24 months—formal action 2nd Offense—Up to 12 months, \$100 per month not to exceed \$1,000; over 12 months—formal action Subsequent offenses—formal action
	§ 6.42(f)	Failing to notify the Board in writing within 10 days of the institution of criminal proceedings in a court case against the crane operator.	1st Offense—\$750 Subsequent offenses—formal action
Section 2400.502(b)	§ 6.32(a)(2)	Failing to maintain certification or to submit evidence of renewal of certification before the expiration date of certification.	1st offense—\$1,000 Subsequent offenses—formal action

[Pa.B. Doc. No. 21-1994. Filed for public inspection December 3, 2021, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

#### [ 58 PA. CODE CHS. 617b, 631b AND 633b ]

#### **Roulette Side Wagers and Variations; Baccarat Side Wagers and Variations; Blackjack Side Wagers and Variations; Temporary Regulations**

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. § 13A02(1) and (2) (relating to regulatory authority) and § 13A03 (relating to temporary table game regulations), adds the temporary regulations in Chapters 617b, 631b and 633b (relating to Roulette side wagers and variations—temporary regulations; Baccarat side wagers and variations—temporary regulations; and Blackjack side wagers and variations—temporary regulations) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

#### *Purpose of this Temporary Rulemaking*

This temporary rulemaking adds several new side wagers and variations to existing games available for play in this Commonwealth, as well as making a modification to a currently existing side wager in the Board's temporary regulations.

#### *Explanation*

Chapter 617b includes the modified version of Roulette entitled Lightning Roulette. Lightning Roulette allows a patron to potentially have a winning straight wager pay out at significantly increased odds. After the placement of all bets and prior to the spin of the wheel, a random number generator will select from 1 to 5 Lucky Numbers on the layout, and will assign each one an increased payout. If a player placed a straight wager on one of the Lucky Numbers and the ball ends up in that compartment, the player wins that increased payout amount as opposed to the traditional 35-to-1 payout.

The addition to Chapter 631b is the Majestic Match side wager. This wager wins if the player's hand or the banker's hand have either a Royal Match (suited King and Queen) or a Suited Match (two cards of the same suit) in the initial two cards dealt.

Additions and modifications to Chapter 633b include a change to the Buster Blackjack side wager and the new Upcard Lucky side wager. The modification to the Buster Blackjack side wager involves permitting the game to be played on a gaming table with four decks of cards and includes a payable for that instance. The Upcard Luck wager wins if the dealer's upcard is a 2 through 7 and the player's initial two cards total 9 through 11, 18 through 20 or are a Blackjack.

#### *Fiscal Impact*

*Commonwealth.* The Board does not expect that this temporary rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

*Political subdivisions.* This temporary rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* This temporary rulemaking will provide certificate holders with an additional table game option.

If a certificate holder decides to offer any of the side wagers or variations, or both—temporary regulations within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment—specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

*General public.* This temporary rulemaking will not have a fiscal impact on the general public.

#### *Paperwork Requirements*

If a certificate holder seeks to offer any of the side wagers or variations contained in these temporary regulations the certificate holder will be required to submit a Rules Submission form reflecting the choices in how the game will be offered and with the selected side wagers and variations identified. These forms are available on the Board's public web site and submitted to Board staff electronically.

#### *Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and will expire 3 years from the date of publication.

#### *Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Chad W. Zimmermann, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-239.

#### *Contact Person*

The contact person for questions about this temporary rulemaking is Chad W. Zimmermann, Assistant Chief Counsel at (717) 346-8300.

#### *Regulatory Review*

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102—1208), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P.S. §§ 745.1—745.14); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 3 years after publication in the *Pennsylvania Bulletin*.

#### *Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorney Act.

(2) The adoption of the temporary regulations 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 617b, 631b and 633b, are amended by adding §§ 617b.3, 631b.7 and 633b.15 and amending § 633b.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(2) The temporary regulations are effective December 4, 2021.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

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

DAVID M. BARASCH,  
*Chairperson*

**Fiscal Note:** 125-239. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 617b. ROULETTE SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS**

**§ 617b.3. Lightning Roulette.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to players a game variation entitled Lightning Roulette, where each player who placed and wins a straight wager in Roulette accordance with § 617a.3 (relating to placement of wagers) has the ability to win an increased payout based upon the results of a random number generator. If the certificate holder is offering Lightning Roulette, it must be played on a single zero Roulette wheel as described in § 617a.1(d) (relating to Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel).

(b) The layout for a Lightning Roulette table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment). Any Lightning Roulette table shall have in place a Board approved Roulette random number generator that determines the Lucky Numbers and also determines the specific payout that will be paid for a winning straight wager placed on a Lucky Number.

(c) A player may place a straight wager before each Roulette spin at any time before the croupier calls, "no more bets" in accordance with § 617a.3 or before any betting time has expired.

(d) After all wagers have been placed, the random number generator shall be initiated and will select between 1 and 5 numbers on the layout that are the Lucky Numbers. The Lucky Numbers will be illuminated and will also indicate what the increased payout will be for a winning straight wager placed on that Lucky Number.

(e) If the Roulette ball comes to rest in one of the Lucky Numbers and a player has placed a straight wager

on that number, the player's straight wager shall win and be paid based upon the increased payout displayed on the layout and listed in subsection (g).

(f) Notwithstanding the provisions of § 617a.4 (relating to payout odds), if a player's straight wager wins but the number the player wagered on is not selected as a Lucky Number by the random number generator, the player shall be paid 29 to 1.

(g) The possible payouts, all of which shall be included in the certificate holder's Rules Submission form filed in accordance with § 601a.2, that may be selected by the random number generator are as follows:

- (i) 499 to 1.
- (ii) 399 to 1.
- (iii) 349 to 1.
- (iv) 299 to 1.
- (v) 249 to 1.
- (vi) 199 to 1.
- (vii) 149 to 1.
- (viii) 99 to 1.
- (ix) 49 to 1.

**CHAPTER 631b. BACCARAT SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS**

**§ 631b.7. Majestic Match wager.**

(a) The layout for a Baccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Majestic Match wager authorized under subsection (b), the layout shall contain separate areas designated for the placement of the Majestic Match wager on the Player's Hand and the Banker's Hand for each player.

(b) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player the option of placing a Majestic Match wager on the Player Hand, the Banker Hand or both, without the necessity of placing a Baccarat wager. The Majestic Match wager shall win if the initial two cards dealt to the Player's Hand or Banker's Hand or both contain a Royal Match or Suited Match.

(c) After the cards are positioned in accordance with § 631a.9(c) or (d)(1)—(3) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the Point Count of the Player's Hand and the Banker's Hand and shall settle any Majestic Match wagers by collecting all losing wagers and paying all winning wagers. If a player placed the Majestic Match wager on the Player's Hand or the Banker's Hand and the initial two cards dealt to the Player's Hand or Banker's Hand:

(1) Are a Royal Match or Suited Match, the dealer shall pay the winning Majestic Match wager in accordance with subsection (d). If a player placed a Majestic Match wager on both the Player's Hand and Banker's Hand, and both the Player's Hand and Banker's Hand contain a Royal Match or Suited Match, the player shall receive a payout in accordance with subsection (d) for both winning hands.

(2) Do not contain a Royal Match or Suited Match, the dealer shall collect the Perfect Pairs wager.

(d) The certificate holder shall pay out winning Majestic Match wagers at the odds in the following paytable specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Majestic Match</i>	
<i>Outcome</i>	<i>Payback</i>
Royal Match (Suited KQ)	25 to 1
Suited Match (Any Other Suited)	2.5 to 1

(e) For purposes of the Majestic Match wager, the following words and terms have the following meanings:

(1) *Royal Match*—The initial two cards dealt to the player or banker that are a King and Queen of the same suit.

(2) *Suited Match*—The initial two cards dealt to the player or banker that are of the same suit but are not a King and Queen.

**CHAPTER 633b. BLACKJACK SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS**

**§ 633b.13. Buster Blackjack wager.**

\* \* \* \* \*

(c) The Buster Blackjack wager may be offered on tables where Blackjack is played with one-deck, four-deck, six-deck or eight-deck shoes.

\* \* \* \* \*

(h) If the dealer’s hand results in a bust, the Buster Blackjack wager wins, and shall be paid out based upon one of the following paytables which shall be specified in the Rules Submission under § 601a.2, with the payout determined by the number of cards in the dealer’s hand when the bust occurs:

\* \* \* \* \*

<i>Four Deck Shoe</i>	
<i>Dealer Busts with</i>	<i>Paytable</i>
8 or more cards	250 to 1
7 cards	50 to 1
6 cards	15 to 1
5 cards	4 to 1
4 cards	2 to 1
3 cards	2 to 1

\* \* \* \* \*

**§ 633b.15. Upcard Luck wager.**

(a) A certificate holder may offer players the option to place an Upcard Luck wager that the dealer’s upcard will be a 2 through 7 and that the player’s two cards will total either 9 through 11, hard and soft 18 through 20 or will be a Blackjack.

(b) The Upcard Luck wager may be played on a Blackjack table that utilizes four, six or eight decks of cards.

(c) The layout for a Blackjack table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Upcard Luck Blackjack wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) the layout shall contain a separate area for each player designated for the placement of the Upcard Luck Blackjack wager for each player.

(d) If specified in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers), the option of placing Upcard Blackjack wager in any amount that does not exceed the player’s Blackjack wager.

(e) After placing a Blackjack wager, as required in § 633a.6(d), and any optional wagers including the Upcard Luck Blackjack wager, the dealer shall announce “No more bets.”

(f) The dealer shall then deal the cards in accordance with § 633a.7 (a)—(g). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt, the dealer shall settle any Upcard Blackjack wagers as follows:

(1) If the dealer’s upcard is not a 2 through 7, the dealer shall collect the player’s losing Upcard Luck wager.

(2) If the dealer’s upcard is a 2 through 7 but the total of the player’s two cards is 2 through 8 or 12 through 17, the dealer shall collect the player’s losing Upcard Luck wager.

(3) If the dealer’s upcard is 2 through 7 and the total of the player’s two cards is 9 through 11 or 18 through 20, or if the player has Blackjack, the dealer shall pay the player’s winning Upcard Luck wager in accordance with subsection (g).

(g) The certificate holder shall pay out winning Upcard Luck wagers at the odds in the following payout tables specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Outcome (with Dealer Upcard 2—7)</i>	<i>Payback</i>
Ace Spades and Jack Spades	80 to 1
Blackjack	8 to 1
9, 10 or 11	4 to 1
18, 19 or 20 (including soft totals)	3 to 1

[Pa.B. Doc. No. 21-1995. Filed for public inspection December 3, 2021, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Two Rulemaking Petitions for Study

On November 16, 2021, the Environmental Quality Board (Board) accepted two rulemaking petitions for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). Both petitions were submitted on behalf of the Sierra Club, Clean Air Council, Earthworks, PennFuture, Protect Penn-Trafford and Mountain Watershed Association. One petition requests the amendment of 25 Pa. Code § 78.302 (relating to requirement to file a bond) to increase bonding amounts for conventional oil and gas wells. The other petition requests the amendment of 25 Pa. Code § 78a.302 (relating to requirement to file a bond) to increase bonding amounts for unconventional gas wells.

Under the Board's acceptance of the petitions, the Department of Environmental Protection (Department) will prepare a report evaluating each petition. These reports will include recommendations on whether the Board should proceed with proposed rulemakings and, if so, the process that the Department would need to undertake to develop the proposed rulemakings.

The previously-referenced petitions are available to the public by contacting the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and accessible on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board," then "2021 Meetings," then scroll to "Meeting Agendas/Minutes/Handouts: November 16, 2021: In-Person/WebEx Meeting").

PATRICK McDONNELL,  
Chairperson

[Pa.B. Doc. No. 21-1996. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DELAWARE RIVER BASIN COMMISSION

[ 25 PA. CODE CHS. 901 AND 903 ]

### Importations of Water into and Exportations of Water from the Delaware River Basin; Discharges of Wastewater from High Volume Hydraulic Fracturing and Related Activities

*Summary:* The Commission will hold public hearings and accept written comment on a proposal to amend its Comprehensive Plan and *Water Code* concerning importations of water into and exportations of water from the Delaware River Basin; to amend its *Special Regulations—High Volume Hydraulic Fracturing* to prohibit the discharge of wastewater from high volume hydraulic fracturing and related activities to waters or land within the Delaware River Basin; and to incorporate key elements of the latter proposed amendments into the Commission's *Water Quality Regulations*.

*Dates:*

*Written comments:* Written comments will be accepted through 5 p.m. on February 28, 2022.

*Public hearings:* Public hearings will be held remotely via Zoom on the following dates at the noted times. Details about accessing the hearings are available on the Commission's website, [www.drbc.gov](http://www.drbc.gov).

1. December 8, 2021, 2:30 p.m. to no later than 4:30 p.m.
2. December 8, 2021, 6:30 p.m. to no later than 8:30 p.m.
3. December 15, 2021, 1 p.m. to no later than 3 p.m.
4. December 15, 2021, 4 p.m. to no later than 6 p.m.

On October 28, 2021, a notice including these public hearing dates, times and locations was posted on the Commission's website and circulated directly to Commission notice subscribers interested in this subject matter. Members of the public may sign up through the Commission's website to receive direct notice via email of additions or changes to the information provided above.

*Addresses:*

*To submit written comments:* Written comments will be accepted until 5 p.m. on February 28, 2022 through the Commission's online public comment collection system at: <https://dockets.drbc.commentinput.com/?id=x2K8A>. To request an exception from use of the online system based on lack of access to the Internet, please contact: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

*To register to speak at public hearings:* Although attendance at the hearings is not limited and requires no registration, those who wish to provide oral comment at a hearing must register in advance to do so. Registration will be through EventBrite. Links to EventBrite for each of the public hearing dates and times are posted at [www.drbc.gov](http://www.drbc.gov). Online registration will remain open until 5 p.m. on the day prior to the hearing date or until all available speaking slots have been filled, whichever is earlier. Each person who wishes to provide oral comment may do so at only one public hearing. Registrations will be monitored, and if capacity is not adequate to accommodate all who wish to speak, additional opportunities may be added.

See SUPPLEMENTARY INFORMATION for details regarding the substance of written comments.

*For Further Information Contact:* For information regarding the public hearings and submission of written comments, contact Kate Schmidt, Communications Specialist, at [kate.schmidt@drbc.gov](mailto:kate.schmidt@drbc.gov) (preferred) or 609-883-9500, ext. 205. For information concerning the proposed amendments, contact Pamela Bush, Commission Secretary and Assistant General Counsel, at [pam.bush@drbc.gov](mailto:pam.bush@drbc.gov) (preferred) or 609-477-7203.

*Supplementary Information:* The Delaware River Basin Commission ("DRBC" or "Commission") is a regional interstate and federal agency formed by compact legislation of four states and the United States in 1961<sup>1</sup> to manage the water resources of the Delaware River Basin (the "Basin") without regard to political boundaries. Its members are, *ex officio*, the governors of the Basin states (Delaware, New Jersey, New York, and Pennsylvania) and the commander of the U.S. Army Corps of Engineers North Atlantic Division, who represents the United States.

<sup>1</sup> United States Public Law 87-328, Approved Sept. 27, 1961, 75 Statutes at Large 688; 53 Delaware Laws, Ch. 71, Approved May 26, 1961; New Jersey Laws of 1961, Ch. 13, Approved May 1, 1961; New York Laws of 1961, Ch. 148, Approved March 17, 1961; Pennsylvania Acts of 1961, Act. No. 268, Approved July 7, 1961.

### Background

By Resolution No. 91-9 on June 19, 1991, the Commissioners amended the Commission's Comprehensive Plan by the addition of policies and regulations relating to transfers of water into and out of the Basin. These provisions were later codified in the Delaware River Basin Water Code.<sup>2</sup> The Commission on November 30, 2017 proposed regulations that, in part, concerned inter-Basin transfers of water and wastewater associated with high volume hydraulic fracturing ("HVHF") ("2017 draft rule") and that addressed the treatment and discharge of wastewater generated by HVHF. Concurrently with adoption of its final rule by Resolution No. 2021-01 on February 25, 2021, the Commission withdrew from consideration those provisions of the 2017 draft rule that concerned the exportation of water to support HVHF and the importation, treatment, and discharge of "produced water" and "CWT wastewater" as defined therein.<sup>3</sup> By a Resolution for the Minutes on February 25, 2021, the Commissioners directed the Executive Director to prepare and publish for public comment a set of amendments to the Comprehensive Plan and implementing regulations to update the Commission's policies and provisions concerning importation and exportation of water and wastewater from and into the Basin and "to include such other proposed amendments... as [the Executive Director, in consultation with the Commissioners] deem necessary or appropriate."

In accordance with the Commissioners' February 25, 2021 directive, the Commission is proposing amendments to its Comprehensive Plan and regulations to better provide for the planning, conservation, utilization, development, management and control of the Basin's water resources in connection with: the importation of water, including wastewater, into the Basin; the exportation of water, including wastewater, from the Basin; and the discharge of wastewater from HVHF and HVHF-related activities. The Commission proposes to amend the Water Code by clarifying the circumstances in which exportations of water, including wastewater, from the Basin and importations of water, including wastewater, into the Basin are considered by the Commission and the factors to be used in evaluating whether such proposed imports and exports of water may be approved. The proposed amendments will not apply to importations and exportations that existed prior to the effective date of any final rules, but are proposed to apply to increases in the rate or volume of existing importations and exportations. The Commission also proposes to amend its Special Regulations regarding HVHF by the addition of a finding that the discharge of wastewater from HVHF and HVHF-related activities poses significant, immediate, and long-term risks to the development, conservation, utilization, management, and preservation of the Basin's water resources, and that controlling future pollution by prohibiting such discharge is required to effectuate the Comprehensive Plan, avoid injury to the waters of the Basin as contemplated by the Comprehensive Plan and protect the public health and preserve the waters of the Basin for uses in accordance with the Comprehensive Plan. The finding is accompanied by a provision prohibiting the discharge to waters of the Basin of wastewater from HVHF and HVHF-related activities.

<sup>2</sup> Delaware River Basin Water Code (hereinafter "Water Code") (incorporated by reference at 18 CFR part 410), section 2.30.

<sup>3</sup> 83 FR 1586, pp. 1589, 1591 (defining "produced water" as "any water or fluid returned to the surface through the production well as a waste product of hydraulic fracturing," and defining "CWT wastewater" as "wastewater or effluent resulting from the treatment of produced water by a centralized waste treatment facility ("CWT)").

*Managing water quantity and quality through a basinwide Comprehensive Plan.* The Delaware River Basin Compact directs the Commission to develop and adopt, and from time to time review and revise, a Comprehensive Plan "for the immediate and long range development and use of the water resources of the [B]asin" to which Federal, State and local agencies and private parties are bound.<sup>4</sup> Through the adoption of a series of policies and regulations establishing and amending its Comprehensive Plan, the Commission over the past half-century has developed and implemented in-stream water quality standards throughout the Basin, prohibited degradation of groundwater, instituted reservoir drought operating plans, established protected areas to prevent the depletion of groundwater, and provided special protection to the non-tidal portion of the Delaware River to preserve its exceptionally high scenic, recreational, ecological and water supply values. As the agency through which the five signatory parties to the Compact—the States of Delaware, New Jersey and New York, the Commonwealth of Pennsylvania, and the United States—collectively manage the Basin's water resources on a regional basis, the Commission has taken these steps to, among other things, ensure an adequate supply of suitable quality water for domestic use, recreation, power generation, industrial activity and aquatic life, and to accommodate large out-of-Basin diversions by the City of New York and the State of New Jersey that are authorized by the 1954 decree of the U.S. Supreme Court in *New Jersey v. New York*, 347 U.S. 995 (the "Decree").

*Water Exportation.* Since June 19, 1991, the Commission's policy as articulated in the Comprehensive Plan and Water Code (incorporated by reference at 18 CFR part 410) has been to discourage the exportation of water from the Basin on grounds that the Basin's waters "are limited in quantity and the Basin is frequently subject to drought warnings and drought declarations due to limited water supply storage and streamflow during dry periods."<sup>5</sup>

In allocating the waters of the Basin under Section 3.3 of the Compact, the Commission is constrained by limited reservoir storage, particularly during periods of low flow.<sup>6</sup> Droughts of varying intensity and length have impacted the Basin since the Commission was formed in October 1961.<sup>7</sup> The Commission has implemented drought operations thirteen times over six decades, including during seven droughts so severe the Commission declared them to be drought emergencies.<sup>8</sup>

The Commission's current Comprehensive Plan includes three major types of exportations of water from the Basin, many of which have also been the subject of DRBC project approvals:

- Pre-Compact out-of-Basin diversions by New York City and the State of New Jersey authorized by the Decree; and with the unanimous consent of the parties to the Decree in accordance with Section 3.3 of the Compact, modifications of such diversions;
- Out-of-Basin transfers approved on a long-term basis pursuant to Section 3.8 and Article 11 of the Compact to

<sup>4</sup> Compact, *supra* note 1, sections 3.2 and 13.1.

<sup>5</sup> See Water Code section 2.30.2.

<sup>6</sup> See e.g., Water Code section 2.30.2; U.S. Department of the Interior U.S. Geological Survey Office of the Delaware River Master, History of the Reservoir Releases Program in the Upper Delaware River Basin, available at: <https://webapps.usgs.gov/odrm/about/history>.

<sup>7</sup> Delaware River Basin Commission, An Overview of Drought in the Delaware River Basin (Feb. 2019), Sec. "DRBC's Basinwide Drought Actions," par. 1, available at: [https://www.state.nj.us/drbc/library/documents/drought/DRBdrought-overview\\_feb2019.pdf](https://www.state.nj.us/drbc/library/documents/drought/DRBdrought-overview_feb2019.pdf).

<sup>8</sup> *Id.*, at Table 1: Basinwide Drought Actions (two of the emergency actions were conditional and did not go into effect).

meet the needs of public water systems with service areas straddling or adjacent to a Basin boundary; and

■ Out-of-Basin transfers approved on a temporary or emergency basis pursuant to Section 3.8 of the Compact to ensure the public health and safety of communities adjacent to or straddling a Basin boundary.

The draft amendments establish the circumstances under which proposed exportations that meet the existing threshold for review established by the Commission's Rules of Practice and Procedure may be considered for approval. Under the proposed rule, the Commission may approve an exportation of water from the Basin if the export is needed to serve a straddled or adjacent public water system; if it is required on a temporary, short-term, or emergency basis to meet public health and safety needs; or if it comprises an exportation of wastewater. The proposed amendments provide that in reviewing proposed exportations, an analysis of alternatives to the proposed exportation will be considered, along with factors that include the effects of the proposal on public health and safety and effectuation of the Comprehensive Plan. The amended rules will further the Commission's objectives of conserving, utilizing, managing, and controlling the Basin's water resources by ensuring that the uses included within the Comprehensive Plan are protected, and will preserve the diversions, compensating releases, rights, conditions, and obligations of the parties to the U.S. Supreme Court Decree of 1954 in *New Jersey v. New York*, 347 U.S. 995 (1954).

*Water Importation.* At the time the Commission was created in 1961, the tidal Delaware River suffered from water quality impairments that included severe hypoxia (lack of dissolved oxygen) annually from May through November, preventing the passage of fish species that migrate between marine and fresh waters to reproduce. A key step in the Estuary's restoration was the establishment of water quality uses and criteria by the Commission in 1967. Because even after treatment, wastewater typically contains oxygen-depleting substances, the Commission has for decades used wasteload allocations for carbonaceous oxygen demand to protect the uses it established, including by maintaining dissolved oxygen in the Estuary at levels sufficient to support aquatic life.<sup>9</sup>

The presence of persistent bioaccumulative toxic contaminants in sediment, the water column and fish tissue is a legacy of the Delaware River Estuary's nearly two centuries of industrial use. Although water quality improvements over the past fifty years have substantially increased the variety and abundance of Estuary fish, multiple species are contaminated with polychlorinated biphenyls ("PCBs"), dioxins and furans, mercury, and dieldrin at levels exceeding human health risk advisory limits for their consumption.<sup>10</sup> By Resolution No. 2000-4 the Commission in 2000 determined that allocations of the waste assimilative capacity of the Estuary were necessary in Water Quality Zones 2 through 5 to maintain stream quality objectives for acute toxicity and chronic toxicity. The Commission and its members face new challenges in the emergence of previously unknown

contaminants now understood to have adverse impacts on human health and aquatic life.

Although water quality management objectives in the Delaware River Estuary have of necessity prioritized restoration, the focus in the non-tidal Delaware River has been to prevent degradation of waters that are exceptionally clean. By resolutions in 1992, 2005 and 2008, the Commission designated the entire 197-mile reach of the non-tidal main stem Delaware River from Hancock, New York to Trenton, New Jersey as "Special Protection Waters," due to their exceptionally high scenic, recreational, ecological, and water supply values. The importance of these waters to the public is underscored by their national designation: the non-tidal main stem within and downstream of potential HVHF activity includes 147 river miles designated by Congress as parts of the National Wild and Scenic Rivers System, including 113 river miles that have also been designated as units of the National Park System.<sup>11</sup> New or expanded pollutant loadings to Special Protection Waters—whether from imported wastewater or wastewater generated within the Basin—are permitted only if they do not measurably change the defined, existing water quality.

For the foregoing reasons, since June 19, 1991, the Commission's policy as set forth in the Water Code and Comprehensive Plan is to discourage the importation of wastewater into the Basin on grounds that the Basin's waters "have limited assimilative capacity and limited capacity to accept conservative substances without significant impacts."<sup>12</sup> The Commission will continue to use its authority to preclude the discharge of wastewater that would impede the restoration of water quality and aquatic life in the tidal Delaware River or that would degrade the Basin's Special Protection Waters.

The proposed rules regarding importation clarify the factors the Commission will use in evaluating proposed importations that meet the existing thresholds for review established by the Commission's Rules of Practice and Procedure. Although importations of wastewater are "discouraged," they may be permitted after careful consideration to ensure that available alternatives have been evaluated, treatment is employed to ensure applicable water quality criteria are achieved, restoration efforts are not impeded, and uses incorporated in the Commission's Comprehensive Plan are protected. The amended rules will further the Commission's objectives of conserving, utilizing, managing, and controlling the Basin's water resources by ensuring continued protection of the uses included within the Comprehensive Plan.

Notably, to date, the Commission has not approved transfers into the Basin of wastewater associated with HVHF, and no applications for such transfers are under consideration. Additionally, in many instances, the Commission has conditioned its approvals of wastewater discharge projects on a requirement that no importation, treatment or discharge of HVHF wastewater may be undertaken by a docket holder without the Commission's prior review and approval. As discussed below, amendments to the Commission's Special Regulations at 18 CFR Part 440—High Volume Hydraulic Fracturing are being

<sup>9</sup> See Delaware River Basin Water Code, sections 3.30.2 D.2, 3.30.3 D.2, 3.30.4 D.2, 3.30.5 D.2, 3.30.6 D.2.

<sup>10</sup> See Delaware Department of Natural Resources and Environmental Control, Delaware Fish Consumption Advisories (Jan. 2018), available at: <https://documents.dnrec.delaware.gov/fw/Fisheries/Documents/2018-Delaware-Fish-Consumption-Advisory-Table.pdf>; New Jersey Department of Environmental Protection & New Jersey Department of Health, Fish Smart, Eat Smart: A guide to Health Advisories for Eating Fish and Crabs Caught in New Jersey Waters (Nov. 2020), available at: <https://www.nj.gov/dep/dsr/fish-advisories.pdf>; Pennsylvania Department of Environmental Protection, Commonwealth of Pennsylvania Public Health Advisory 2021 Fish Consumption (Feb. 2021), available at: <https://pfbcc.pa.gov/fishpub/summaryadsumconsumptionnotepadf>.

<sup>11</sup> See 16 U.S.C. 1274(a)(19)-(20) (Upper Delaware Scenic and Recreational River and Delaware Water Gap National Recreation Area), 16 U.S.C. 1274(a)(165) (Lower Delaware River and Associated Tributaries). Other Basin waters included in the Wild and Scenic Rivers System and protected by state antidegradation programs include: 190 miles of the White Clay Creek and its tributaries in Delaware and Pennsylvania, 35 miles of the Maurice River and its tributaries in New Jersey, and 25 miles of the Musconetcong River, also in New Jersey. See, 16 U.S.C. 1274(a)(163) (White Clay Creek and its tributaries); 16 U.S.C. 1274(a)(146)–(149) & 1274(a)(151)–(153) (Maurice River and its tributaries); 16 U.S.C. 1274(a)(169) (Musconetcong River).

<sup>12</sup> See Water Code section 2.30.2 (or "limited capacity to assimilate pollutants" as reflected in the proposed amendments).

proposed that would prohibit the discharge of HVHF wastewater to water or land within the Basin.

*Prohibition on Discharge of Wastewater from HVHF and HVHF-Related Activities.* The Commission's Comprehensive Plan and Water Code provide in part that "[t]he quality of Basin [surface] waters, except intermittent streams, shall be maintained in a safe and satisfactory condition" for uses that include, "agricultural, industrial, and public water supplies after reasonable treatment, except where natural salinity precludes such uses; . . . wildlife, fish and other aquatic life; recreation; navigation; [and] controlled and regulated waste assimilation to the extent that such use is compatible with other uses."<sup>13</sup> Similarly, the Comprehensive Plan and Water Code provide that the quality of ground waters of the Basin "shall be maintained in a safe and satisfactory condition, except where such uses are precluded by natural quality, for . . . domestic, agricultural, industrial, and public water supplies; [and] . . . a source of surface water suitable for recreation, wildlife, fish and other aquatic life."<sup>14</sup>

In its proposed and final rules prohibiting HVHF within the Basin in November 2017 and February 2021, respectively, the Commission recognized that the treatment and disposal of HVHF wastewater, among other activities associated with HVHF, posed risks, vulnerabilities and impacts to the Basin's water resources.<sup>15</sup> The peer-reviewed science discussed in detail in the Comment and Response Document adopted concurrently with the Commission's final rule (hereinafter, the "CRD")<sup>16</sup> demonstrates that for a variety of reasons, protecting public health and preserving the Basin's water resources for uses in accordance with the Comprehensive Plan require that discharges of HVHF wastewater to Basin waters or land be prohibited.

Hydraulic fracturing wastewater may contain a complex blend of constituents, including known carcinogens, neurotoxins, or endocrine disruptors, or are characterized by reproductive or developmental toxicity or adverse immune system effects.<sup>17</sup> As discussed at length in the CRD, some of the chemicals used are not known because they are accorded protection as trade secrets.<sup>18</sup> The U.S. Environmental Protection Agency (hereinafter, "EPA"), has reported that the majority of chemicals associated with hydraulic fracturing, both known and unknown, have not undergone significant toxicological assessment.<sup>19</sup> The impacts from those chemicals to human health and aquatic life are thus undetermined.<sup>20</sup> In addition to the potential pollutants in fracturing fluid, the fluid returned from an oil or natural gas well after HVHF (typically

called "produced water" and including "flowback water") is mixed with water from the target formation, which contains: salts, including chloride, bromide, sulfate sodium, magnesium, and calcium; metals, including barium, manganese, iron, and strontium; naturally-occurring organic compounds, including benzene, toluene, ethylbenzene, and xylenes; oil and grease; and radioactive materials, including radium, found in ancient sea water trapped within the oil- and gas-bearing shale formations.<sup>21</sup>

A report by the U.S. Geological Survey ("USGS") observed that the salts in shale waters (which are sometimes referred to as "total dissolved solids" or "TDS") reached extreme concentrations over millions of years, and their chemical interactions with surrounding rock can mobilize radionuclides.<sup>22</sup> The USGS authors cite radioactivity as a key characteristic of the HVHF waste stream that potentially represents a substantial risk to water resources, aquatic ecosystems and biota, and public health, if released.<sup>23</sup>

Wastes associated with oil and natural gas exploration, development and production, including oil and gas drilling fluids and produced waters, are exempt from federal regulations for the management of hazardous wastes.<sup>24</sup> But these wastes may cause harm to public health and the environment if they are not properly managed. The CRD references multiple studies documenting adverse impacts to water resources from HVHF wastewater after treatment, whether by municipal or industrial treatment facilities.<sup>25</sup> Because produced water contains high TDS and dissolved inorganic constituents that most publicly owned treatment works and other municipal wastewater treatment facilities are not designed to remove, EPA in 2016 issued a final rule banning the treatment and discharge of oil and gas extraction wastewater from publicly owned treatment works ("POTWs").<sup>26</sup> Privately owned treatment works that treat primarily domestic and commercial wastewater remain outside the scope of EPA's "zero discharge" rule.

The Commonwealth of Pennsylvania manages the risks associated with disposal of HVHF wastewater in part through a detailed statute and regulations focused on protecting water resources and public health while preserving commercial interests. Regulations adopted in 2010 pursuant to the Pennsylvania Clean Streams Law address risks associated with HVHF wastewater treatment and discharge by limiting new discharges of TDS, chlorides, barium and strontium in treated wastewater, regardless of the type of discharge—public, private, municipal or industrial.<sup>27</sup>

Research has demonstrated that even with specialized treatment, however, the discharge of HVHF wastewater to surface waters can adversely impact downstream waters. The Commission's CRD contains an extensive discus-

<sup>13</sup> Water Code, section 3.10.2. B.

<sup>14</sup> *Id.*, section 3.40.3.

<sup>15</sup> See, e.g., DRBC Resolution No. 2021-01, p. 4, par. 4. Available at: [https://www.state.nj.us/drbc/library/documents/Res2021-01\\_HVHF.pdf](https://www.state.nj.us/drbc/library/documents/Res2021-01_HVHF.pdf). See generally, Delaware River Basin Commission, Comment and Response Document: Proposed Amendments to the Administrative Manual and Special Regulations Regarding High Volume Hydraulic Fracturing Activities; Additional Clarifying Amendments, Feb. 25, 2021 (hereinafter, "CRD"), at, e.g., pp. E-1, 65-66 ("Synthesis" of response to comments concerning spills); pp. 158-59 (water quality impacts from discharges of treated hydraulic fracturing wastewater). The CRD is available at: [https://www.state.nj.us/drbc/library/documents/CRD\\_HVHFrulemaking.pdf](https://www.state.nj.us/drbc/library/documents/CRD_HVHFrulemaking.pdf)

<sup>16</sup> See CRD, supra note 15.

<sup>17</sup> CRD, supra note 15, pp. 131, 161, and 255 (citing E.G. Elliott, et al., A systematic evaluation of chemicals in hydraulic-fracturing fluids and wastewater for reproductive and developmental toxicity, *J. Exposure Science & Environmental Epidemiology*, 27: 90–99 (2017)). See also, United States Environmental Protection Agency ("U.S. EPA"), Hydraulic fracturing for oil and gas: Impacts from the hydraulic fracturing water cycle on drinking water resources in the United States (final report) (EPA/600/R-16/236F) (2016) (hereinafter "U.S. EPA 2016 Assessment"), p. ES-20; U.S. EPA, Technical development document for the effluent limitations guidelines and standards for the oil and gas extraction point source category (EPA-820-R-16-003), 2016, pp. 43–47 (Sec. 1.2).

<sup>18</sup> See CRD, supra note 15, pp. 259–264.

<sup>19</sup> *Id.*, p. 132 (citing U.S. EPA 2016 Assessment, supra note 17, p. ES-42-45, 9-1).

<sup>20</sup> U.S. EPA, Detailed study of the centralized waste treatment point source category for facilities managing oil and gas extraction wastes. (EPA-821-R-18-004) (2018), p. 9-36. Available at: [https://www.epa.gov/sites/default/files/2018-05/documents/cwt-study\\_may-2018.pdf](https://www.epa.gov/sites/default/files/2018-05/documents/cwt-study_may-2018.pdf).

<sup>21</sup> CRD, supra note 15, pp. E-6, 71.

<sup>22</sup> CRD, supra note 15, p. 84 (citing E.L. Rowan, et al., Radium content of oil- and gas-field produced waters in the Northern Appalachian Basin (USA): Summary and discussion of data, U.S. Department of the Interior, U.S. Geological Survey: Scientific Investigations Report 2011-5135 (2011)).

<sup>23</sup> CRD, supra note 15, p. 86 (citing E.L. Rowan, et al., supra note 22) (also noting that chemically, radium behaves in a manner similar to calcium and is capable of bioaccumulation in plants and animals).

<sup>24</sup> See, e.g., U.S. Environmental Protection Agency, Office of Solid Waste, Exemption of Oil and Gas Exploration and Production Wastes from Federal Hazardous Waste Regulations, EPA530-K-01-004 (2002).

<sup>25</sup> See CRD, supra note 15, pp. 18-19, 128–143. See also U.S. EPA, *infra* note (regarding impacts associated with discharges from municipal wastewater treatment plants); U.S. EPA, supra note 20 (regarding impacts associated with discharges from the industrial wastewater treatment facilities known as "CWTs").

<sup>26</sup> U.S. EPA, Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category, 81 FR 41845 (Aug. 29, 2016) (preamble). See also 81 FR 88126 (Dec. 7, 2016) (extending deadline for compliance); CRD, supra note 15, pp. 18-19, 128.

<sup>27</sup> 25 Pa. Code section 95.10. See also CRD, supra note 15, pp. 132, 178.



sion of the potential risks associated with the treatment and discharge of HVHF wastewater to Basin waters from CWTs.<sup>28</sup> The Commission concluded that treatment of HVHF wastewater at CWTs with subsequent discharge of effluent to the waters of the Basin would present significant risks to the receiving waters.<sup>29</sup>

Growth in Marcellus shale gas production is anticipated,<sup>30</sup> and in the Marcellus production area immediately west of the Basin, recent data show increasing water use by the shale gas production industry, which may result in increasing volumes of wastewater.<sup>31</sup> Although additional factors may affect demand for HVHF wastewater treatment and discharge options, these shale gas production and water use trends create the potential for increased demand for CWT services in the region.<sup>32</sup> To protect the public health and preserve the waters of the Basin for uses in accordance with the Comprehensive Plan, the Commission thus proposes to prohibit the discharge of treated or untreated HVHF wastewater to waters or land within the Basin.

*Water Quality Regulations.* To facilitate the alignment of certain Basin state discharge permits with the Commission's proposed regulations regarding wastewater from high volume hydraulic fracturing, the Commission further proposes to amend its Water Quality Regulations, Article 4—Application of Standards. The proposed amendment would consist of a new section 4.50, captioned "Wastewater from High Volume Hydraulic Fracturing and Related Activities," expressly incorporating into the Water Quality Regulations the determination and prohibition comprising § 440.4 of title 18 of the CFR, and the purpose and definitions encompassing sections 440.1 and 440.2. Existing section 4.50 of the Water Quality Regulations and its sub-paragraphs 4.50.1 through 4.50.6 are proposed to be redesignated as section 4.60 and 4.60.1 through 4.60.6.

#### *Public Process*

*Substance of comments:* The Commission expressly seeks comment on the effects the proposed rules may have within the Basin on: water availability, the control and abatement of water pollution, economic development, the conservation and protection of drinking water supplies, the conservation and protection of aquatic life, the conservation and protection of water quality in Special Protection Waters, and the protection, maintenance and improvement of water quantity and quality Basinwide. The Commission welcomes and will consider any other comments that concern the potential effects of the draft rules on the conservation, utilization, development, management and control of the water and related resources of the Basin. Comments on matters not within the scope of the proposed rules may not be considered.

Non-digitized, voluminous materials such as books, journals or collected letters and petitions will not be accepted. Digital submissions of articles and websites must be accompanied by a statement containing citations to the specific findings or conclusions the commenter wishes to reference.

*Submission of written comments.* Written comments along with any attachments should be submitted through the Commission's web-based comment system ([https://](https://dockets.drbc.commentinput.com/?id=x2K8A)

[dockets.drbc.commentinput.com/?id=x2K8A](https://dockets.drbc.commentinput.com/?id=x2K8A)) until 5 p.m. on February 28, 2022. All materials should be provided in searchable formats, preferably in .pdf searchable text. Notably, a picture scan of a document may not result in searchable text. Comments received through any method other than the designated on-line method, including via email, fax, postal/delivery services or hand delivery, will not be considered or included in the rulemaking record unless an express exception has been granted. Requests for exceptions from the web-based-submissions-only policy based on lack of access to the web-based comment system may be addressed to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

*Public hearings.* To provide for an orderly process and to support public and community health measures, the Commission is conducting its public hearings virtually. Attendance at the hearings is not limited and requires no registration. However, to eliminate uncertainty on the part of attendees about whether they will have an opportunity to provide oral comment, those who wish to speak at a hearing must register in advance to do so, using links on the Commission's website. Registrations will be monitored, and if capacity is not adequate to accommodate all who wish to speak, additional opportunities may be added. Key elements of the procedure are as follows:

- Online registration to speak at a public hearing will remain open until 5 p.m. the day prior to each hearing.
- Each person who wishes to provide oral comment may do so at only one public hearing.
- Speaking time will be limited to approximately three minutes per speaker.
- Elected government officials and their staff will have the opportunity to identify themselves when registering to attend a hearing.
- Attendance at the public hearings is not limited and requires no advance registration.
- Written and oral comment will receive equal consideration.

The Commission appreciates the public's participation and input on this important matter.

*More Information.* Detailed and up-to-date information about the public process, including all proposed rule text, related documents and links for online registration to speak at each of the scheduled public hearings, can be found on the DRBC website, [www.drbc.gov](http://www.drbc.gov).

For the reasons set forth in the preamble, the Delaware River Basin Commission proposes to amend its *Water Code* and *Water Quality Regulations* (incorporated by reference in the Code of Federal Regulations at 18 CFR Part 410 and in the *Pennsylvania Code* at 25 Pa. Code Ch. 901), and its *Special Regulations* (codified at 18 CFR Part 440), which are incorporated by reference at 25 Pa. Code Ch. 903, as set forth below.

#### DELAWARE RIVER BASIN WATER CODE

#### ARTICLE 2—CONSERVATION, DEVELOPMENT AND UTILIZATION OF DELAWARE RIVER BASIN WATER RESOURCES

#### [ INCORPORATED BY REFERENCE AT 25 PA CODE § 901.2 ]

*(Editor's note:* Section 2.30 of the Delaware River Basin Water Code is proposed to be replaced in its entirety with the text set forth below. Existing Section 2.30 of the Water Code is available at: <https://www.state.nj.us/drbc/>

<sup>28</sup> See CRD, *supra* note 15, pp. 130—143, 178. See generally U.S. EPA, *supra* note 20.

<sup>29</sup> See CRD, *supra* note 15, p. 138.

<sup>30</sup> U.S. EPA, *supra* note 20, p. 8-6.

<sup>31</sup> See CRD, *supra* note 15, p. 16 (reporting increased length of natural gas well laterals and increased use of water per foot of well fractured in the Susquehanna River Basin, which adjoins the Basin) (citing Susquehanna River Basin Commission, Water use associated with natural gas development in the Susquehanna River Basin: An update of activities through December 2018 (Publication No. 323) (2020)).

<sup>32</sup> See U.S. EPA, *supra* note 20, pp. 8-4—8-6.

library/documents/watercode.pdf. For the text of the entire Water Code, visit: <https://www.state.nj.us/drbc/library/documents/watercode.pdf>.)

### 2.30 IMPORTATIONS AND EXPORTATIONS OF WATER, INCLUDING WASTEWATER

2.30.1 *Definitions (Resolutions Nos. 91-9 and xxx)*. For purposes of this section 2.30:

A. “Adjacent public water system” means a public water system located outside of the Delaware River Basin that either: (1) is interconnected with a public water system located entirely inside the Basin or with a “straddled public water system” (as defined herein); or that (2) has a service area directly bordering the service area of a public water system located entirely within the Basin or that straddles the Basin boundary.

B. “Basin water” (also, “waters of the Basin”) means water in, on, under or above the ground within the Delaware River Basin. “Basin water” includes wastewater.

C. “Delaware River Basin” (or “Basin”) has the meaning assigned to it by Section 1.2(a) of the *Delaware River Basin Compact*—the area of drainage into the Delaware River and its tributaries, including Delaware Bay.

D. “Exportation” means the conveyance, transfer, or diversion of Basin water from a source within the Delaware River Basin to a location outside the Basin without return of such water to the Basin. Exportations from the Basin of consumer goods or foods that have been manufactured, bottled, packaged, or processed using Basin water are not considered “exportations” for purposes of this rule.

E. “Importation” means the conveyance, transfer, or diversion of water, including wastewater, into the Delaware River Basin from a source outside the Basin, resulting in a discharge of the imported water to land or water within the Basin, with or without prior treatment.

F. “Public water system” means a system primarily for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. A “public water system” may be publicly or privately owned.

G. “Straddled public water system” means a public water system that serves an area partially within and partially outside of the Delaware River Basin.

H. “Wastewater” means water that is stored, transported or discharged after use, including, but not limited to, any water for which a National Pollutant Discharge Elimination System (NPDES) permit under the federal Clean Water Act or any state or DRBC approval is required before the water can lawfully be discharged to waters or land within the Basin.

2.30.2 *Protection and Preservation*

A. The waters of the Delaware River Basin are limited in quantity, and the Basin is frequently subject to drought warnings, drought declarations, and drought operations due to limited water supply storage and streamflow during dry periods. In addition, portions of the Basin have been delineated by the Commission as groundwater protected areas due to water shortages. Therefore, it is the policy of the Commission to promote the conservation and preservation of water and related natural resources, including aquatic ecosystems, and effectuate the Comprehensive Plan and the uses of the water resources of the Basin identified therein, by dis-

couraging, limiting, or placing conditions on the exportation of Basin water as may be required to protect the health and safety of Basin residents, aquatic ecosystems and the uses of water identified in the Compact and Comprehensive Plan.

B. The Commission shall review a proposed new exportation of Basin water, including any proposed increase in the rate or volume of an existing exportation, and may impose conditions, obligations and release requirements related thereto, pursuant to Sections 3.3, 3.8, 5.2, 10.3, 10.4 and Article 11 of the Compact and the regulations and docket approvals implementing these provisions.

C. A proposed new exportation of Basin water that is subject to review under the Compact and implementing regulations, including any proposed increase in the rate or volume of an existing exportation, may be approved by the Commission after consideration of the factors set forth at Section 2.30.3 below, if:

1. the sponsor demonstrates that the exportation of Basin water is required to serve a straddled or adjacent public water system;
2. the sponsor demonstrates that the exportation of Basin water is required on a temporary, short-term, or emergency basis to meet public health and safety needs; or
3. the sponsor is proposing an exportation of wastewater.

D. Basin waters have limited capacity to assimilate pollutants without significant impacts to the health and safety of Basin residents, the health and functioning of aquatic ecosystems in the Basin, and the effectuation of the Comprehensive Plan. Accordingly, it is the policy of the Commission to discourage, limit, or condition the importation of wastewater into the Delaware River Basin as necessary to avoid impairment of Basin waters. A proposed new importation of water or wastewater, including any proposed increase in the rate or volume of an existing importation, shall be reviewed by the Commission consistent with the factors set forth at Section 2.30.3 below.

E. This Section 2.30 shall not apply to importations and exportations of water, including wastewater, that existed prior to enactment of the Compact or that were approved by the DRBC prior to [date of adoption of these amendments].

2.30.3 *Commission Considerations (Resolutions Nos. 91-9 and xxx)*. In evaluating importations and exportations, the Commission’s review will include consideration of the following factors:

A. For exportations of Basin water:

1. the effect of the exportation on the health and safety of the Basin community;
2. the effect of the exportation on existing or future water availability or shortages, including, but not limited to, sources within areas designated by the Commission as protected areas pursuant to Section 10.2 of the Compact, sources within Delaware River reaches with flows that are frequently augmented by reservoir releases due to low flows, and sources in areas subject to DRBC drought operations or state drought declarations within the past five years;
3. the effect of the exportation on aquatic ecosystems;
4. the effect of the exportation on water quality and waste assimilation;

5. the effect of the exportation on salinity concentrations;

6. the effect of the exportation on the water uses protected by the Comprehensive Plan, DRBC regulations or DRBC docket approvals, or on the ability of DRBC to effectuate the Comprehensive Plan;

7. the effect of the exportation, including its volume, rate, timing and duration, on passby or instream flow requirements contained in DRBC regulations or project approvals;

8. the sponsor's planned use for the water and any resulting public benefits;

9. the availability to the sponsor of alternatives to the exportation of Basin water and whether these alternatives have been diligently pursued, including without limitation a review of the sponsor's uses of water outside the sponsor's service area, if any; conservation measures undertaken by the sponsor or a public water system in the service area where the sponsor is located to forestall the need for a transfer of Basin water; and the results of a water audit (or audits) performed by the sponsor in accordance with Section 2.1.8 of the Delaware River Basin Water Code; and

10. whether the exportation would contravene sections 3.3 and 3.5(a) of the Compact by impeding or interfering with the rights, powers, privileges, conditions or obligations contained in the Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995 (1954), as modified by the Commission with the unanimous consent of the parties to the Decree.

B. For importations of water, including wastewater:

1. the effect of the importation on the health and safety of the Basin community with due consideration of the available alternatives to the importation;

2. the characterization and treatability of the wastewater;

3. the potential impacts on water resources of the Delaware River Basin of the proposed importation and of each available alternative, including alternatives that avoid an importation of water, including wastewater. The potential impacts considered will include the effects of the quality, volume, flow rate, timing and duration of the proposed importation in relation to:

a. flow objectives or passing or instream flow requirements contained in DRBC regulations or project approvals;

b. the record of hydrologic conditions in the proposed receiving region and the larger Delaware River Basin;

c. water uses as established by the Comprehensive Plan, including the DRBC Water Code;

d. the effect of the importation on aquatic ecosystems;

e. water quality and waste assimilation capacity in the affected receiving streams; and

f. prior regulations or orders of the Commission which may be identified during the course of the Commission's review.

2.30.4 *Analyses by Applicant for Section 3.8 Approval.* When an importation or exportation of water or wastewater is subject to review by the Commission, the applicant shall furnish the Commission with such analyses of the factors set forth in Sections 2.30.2 and 2.30.3 above and as the Commission may direct.

2.30.5 *Water Charges (Resolutions Nos. 91-9 and xxx).* Exportation of Basin water constitutes consumptive water use and will be subject to the water charges in effect at the time of transfer in accordance with the Commission's Water Supply Charges regulations (18 CFR Part 420), as amended.

2.30.6 *Wastewater Treatment Requirements (Resolution No. 91-9).* It is the policy of the Commission to give no credit toward meeting wastewater treatment requirements for importations of wastewater. An effluent loading or concentration authorized in accordance with a water-quality-based effluent limit such as a wasteload allocation may not include loadings attributable to an importation of wastewater.

2.30.7 *Existing Allocations (Resolution No. 91-9).* It is the policy of the Commission to charge all exportations of Basin water against any special regional allocation or any depletive use allocation as may exist at the time of receipt of a completed application for exportation.

2.30.8 *1954 Supreme Court Decree.* This Section 2.30 is intended to preserve the diversions, compensating releases, rights, conditions, and obligations of the parties to the U.S. Supreme Court Decree of 1954 in *New Jersey v. New York*, 347 U.S. 995 (1954), as modified by the Commission with the unanimous consent of the parties to the Decree.

**WATER QUALITY REGULATIONS**

**ARTICLE 4—APPLICATION OF STANDARDS**

**[ INCORPORATED BY REFERENCE AT 25 PA CODE § 901.2 ]**

*(Editor's note: New text appears in bold face with underscore, and text to be deleted appears in bold face within brackets. Asterisks represent no change to the existing text. For the text of the entire Water Quality Regulations, visit: <https://www.state.nj.us/drbc/library/documents/WQregs.pdf>.)*

\* \* \* \* \*

**Section 4.40 Ground Water Quality Requirements.**

\* \* \* \* \*

4.40.2 **Enforcement Procedures.** The enforcement procedure of Section [ **4.50** ] **4.60** with respect to effluent quality requirements for discharges shall be deemed applicable to the enforcement of this Section and Section 3.40. For the purposes thereof, the word "discharger" as used in Section [ **4.50** ] **4.60** includes any party affected by this Section.

**Section 4.50 Wastewater from High Volume Hydraulic Fracturing and Related Activities. The provisions of 18 CFR 440.4 and the purpose and definitions applicable thereto, encompassing 18 CFR 440.1 and 18 CFR 440.2, are hereby incorporated into these Water Quality Regulations.**

**Section [ 4.50 ] 4.60 Enforcement Procedures.**[ 4.50.1 ] **4.60.1 Scope.** \* \* \*[ 4.50.2 ] **4.60.2 Abatement Schedules and Permits.**

\* \* \* \* \*

[ 4.50.3 ] **4.60.3 Waste Load Allocations.** \* \* \*

\* \* \* \* \*

[ 4.50.4 ] **4.60.4 Inspection and Surveillance.**

\* \* \* \* \*

[ 4.50.5 ] **4.60.5 Noncompliance; Notice.**

\* \* \* \* \*

[ 4.50.6 ] **4.60.6 Order of Abatement; Sanctions.** \* \* \*

**DELAWARE RIVER BASIN COMMISSION**  
**18 C.F.R. CHAPTER III, SUBCHAPTER B—**  
**SPECIAL REGULATIONS**  
**PART 440—HIGH VOLUME HYDRAULIC**  
**FRACTURING**

**[ INCORPORATED BY REFERENCE AT 25 PA**  
**CODE § 903.1 ]**

(Editor's note: Proposed new text appears in bold face with underscore, and text to be deleted appears in bold face within brackets.)

**440.1 Purpose, authority and relationship to other requirements.**

(a) *Purpose.* The purpose of this part is to protect and conserve the water resources of the Delaware River Basin. To effectuate this purpose, this section establishes standards, requirements, conditions, and restrictions to prevent or reduce depletion and degradation of surface and groundwater resources and to promote sound practices of water resource management.

(b) *Authority.* This part implements Sections 3.1, 3.2(a), 3.2 (b), 3.6(b), 3.6(h), 4.1, 5.2, 7.1, 13.1 and 14.2(a) of the Delaware River Basin Compact.

(c) *Comprehensive Plan.* The Commission has determined that the provisions of this part are required for the immediate and long range development and use of the water resources of the Basin and are therefore incorporated into the Commission's Comprehensive Plan.

(d) *Relationship to other Commission requirements.* The provisions of this part are in addition to all applicable requirements in other Commission regulations [ **in this chapter** ], docket [ **and** ]<sub>2</sub> permits, **and determinations.**

(e) *Severability.* The provisions of this part are severable. If any provision of this part or its application to any person or circumstances is held invalid, the invalidity will not affect other provisions or applications of this part, which can be given effect without the invalid provision or application.

(f) *Coordination and avoidance of duplication.* In accordance with and pursuant to section 1.5 of the Delaware River Basin Compact, to the fullest extent it finds feasible and advantageous the Commission may enter into an Administrative Agreement (Agreement) with any Basin state or the Federal Government to coordinate functions and eliminate unnecessary duplication of effort. Such Agreements will be designed to: Effectuate intergovernmental cooperation, minimize the efforts and duplication of state and Commission staff resources wherever possible, ensure compliance with Commission-approved

requirements, enhance early notification of the general public and other interested parties regarding proposed activities in the Basin, indicate where a host state's requirements satisfy the Commission's regulatory objectives, and clarify the relationship and project review decision making processes of the states and the Commission for projects subject to review by the states under their state authorities and by the Commission under Section 3.8 and Articles 6, 7, 10 and 11 of the Compact.

**440.2 Definitions.**

For purposes of this part, the following terms and phrases have the meanings provided. Some definitions differ from those provided in regulations of one or more agencies of the Commission's member states and the Federal Government. **Others are consistent with terms defined by the Delaware River Basin Compact.**

*Basin* is the area of drainage into the Delaware River and its tributaries, including Delaware Bay.

*Commission* is the Delaware River Basin Commission (DRBC) created and constituted by the Delaware River Basin Compact.

*Fracturing fluid(s)* is a mixture of water (whether fresh or recycled) and/or other fluids and chemicals or other additives, which are injected into the subsurface and which may include chemicals used to reduce friction, minimize biofouling of fractures, prevent corrosion of metal pipes or remove drilling mud damage within a wellbore area, and propping agents such as silica sand, which are deposited in the induced fractures.

*High volume hydraulic fracturing (HVHF)* is hydraulic fracturing using a combined total of 300,000 or more gallons of water during all stages in a well completion, whether the well is vertical or directional, including horizontal, and whether the water is fresh or recycled and regardless of the chemicals or other additives mixed with the water.

***HVHF-related activities are:***

**(1) Construction of an oil or natural gas production well that is to be stimulated using HVHF as defined herein;**

**(2) Chemical mixing or storage of proppant, chemicals and other additives to make fracturing fluid; and**

**(3) Management of wastewater from hydraulic fracturing, including storage, disposal, treatment, or reuse in hydraulic fracturing operations or other uses.**

*Hydraulic fracturing* is a technique used to stimulate the production of oil and natural gas from a well by injecting fracturing fluids down the wellbore under pressure to create and maintain induced fractures in the hydrocarbon-bearing rock of the target geologic formation.

*Person* is any natural person, corporation, partnership, association, company, trust, Federal, state, or local governmental unit, agency, or authority, or other entity, public or private.

**Wastewater from high volume hydraulic fracturing is:**

**(1) Any wastewater, brine, sludge, chemicals, naturally occurring radioactive materials, heavy metals or other contaminants that have been used for or generated by high volume hydraulic fracturing or HVHF-related activities;**

(2) Leachate from solid wastes associated with HVHF-related activities, except if the solid wastes were lawfully disposed of in a landfill within the Basin prior to the effective date of this rule; and

(3) Any products, co-products, byproducts or waste products resulting from the treatment, processing or modification of the wastewater described in paragraphs (1) and (2) of this same definition.

*Water resource(s)* is, in accordance with Section 1.2(i) of the *Delaware River Basin Compact*, “water and related natural resources in, on, under, or above the ground, including related uses of land, which are subject to beneficial use, ownership[, ] or control” within the [ hydrologic boundary of the ] Delaware River Basin.

**440.3 High volume hydraulic fracturing (HVHF)**

(a) *Determination.* The Commission has determined that high volume hydraulic fracturing poses significant, immediate and long-term risks to the development, conservation, utilization, management, and preservation of the water resources of the Delaware River Basin and to Special Protection Waters of the Basin, considered by the Commission to have exceptionally high scenic, recreational, ecological, and/or water supply values. Controlling future pollution by prohibiting such activity in the Basin is required to effectuate the Comprehensive Plan, avoid injury to the waters of the Basin as contemplated by the Comprehensive Plan, and protect the public health and preserve the waters of the Basin for uses in accordance with the Comprehensive Plan.

(b) *Prohibition.* High volume hydraulic fracturing in hydrocarbon bearing rock formations is prohibited within the Delaware River Basin.

**440.4 Wastewater from high volume hydraulic fracturing and related activities**

(a) *Determination.* The Commission has determined that the discharge of wastewater from high volume hydraulic fracturing and HVHF-related activities poses significant, immediate and long-term risks to the development, conservation, utilization, management, and preservation of the Basin’s water

resources. Controlling future pollution by prohibiting such discharge is required to effectuate the Comprehensive Plan, avoid injury to the waters of the Basin as contemplated by the Comprehensive Plan and protect the public health and preserve the waters of the Basin for uses in accordance with the Comprehensive Plan.

(b) *Prohibition.* No person may discharge wastewater from high volume hydraulic fracturing or HVHF-related activities to waters or land within the Basin.

*Dated:* November 2, 2021.

PAMELA M. BUSH, Esq.,  
*Secretary*

**Fiscal Note:** 68-61. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART V. DELAWARE RIVER BASIN COMMISSION  
CHAPTER 901. GENERAL PROVISIONS**

**§ 901.2. Rules of Practice and Procedure.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2014) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 [ (2014) ] (2021) are hereby incorporated by reference and made a part of this title.

**CHAPTER 903. HYDRAULIC FRACTURING IN SHALE AND OTHER FORMATIONS**

**§ 903.1. Hydraulic fracturing in shale and other formations.**

The hydraulic fracturing in shale and other formation regulations, as set forth in 18 CFR Part 440 [ (2018) ] (2021), are hereby incorporated by reference and made part of this title.

[Pa.B. Doc. No. 21-1997. Filed for public inspection December 3, 2021, 9:00 a.m.]

# STATEMENT OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Office of the Budget

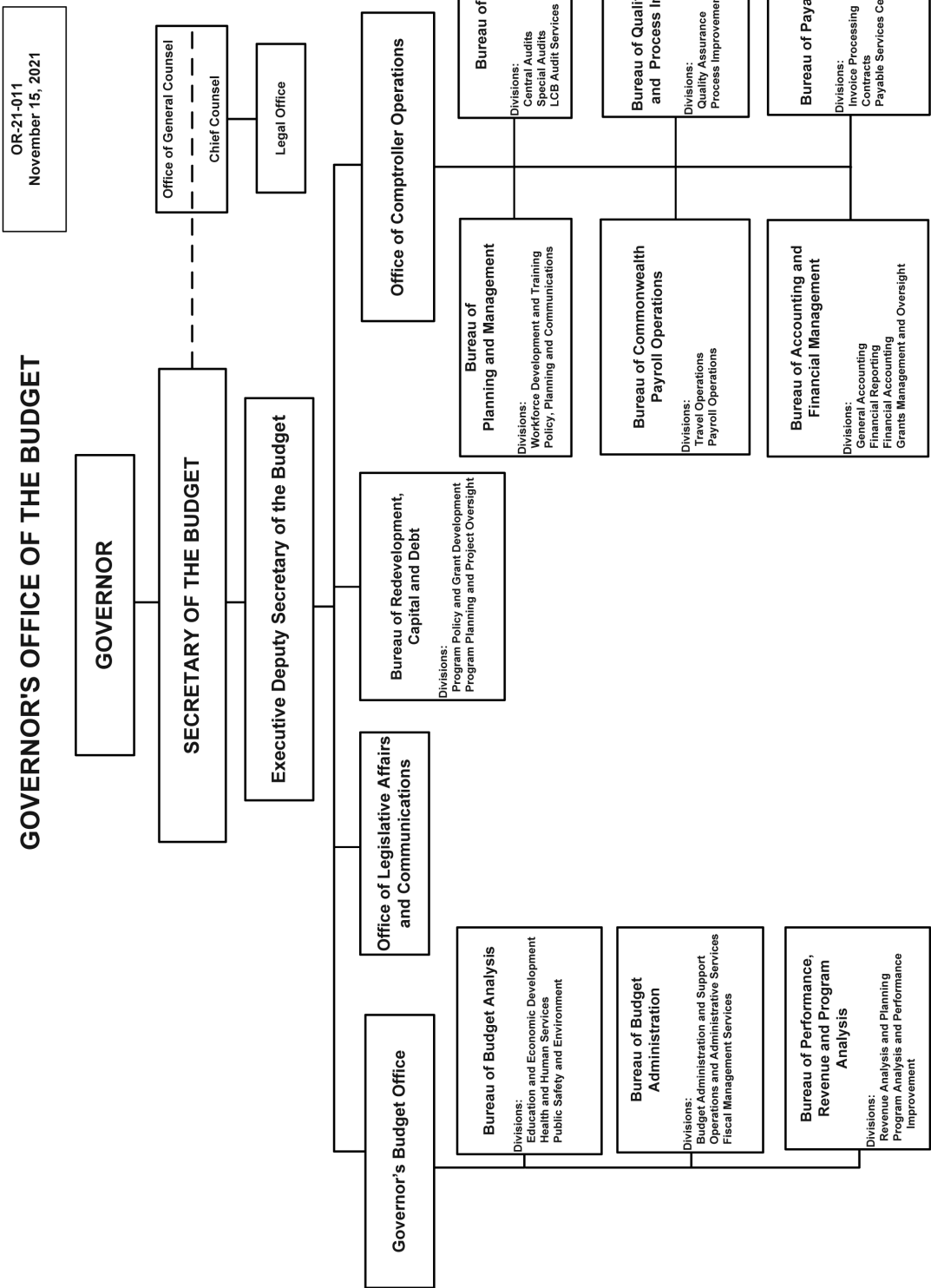
The Executive Board approved a reorganization of the Office of the Budget effective November 15, 2021.

The organization chart at 51 Pa.B. 7481 (December 4, 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. 21-1998. Filed for public inspection December 3, 2021, 9:00 a.m.]

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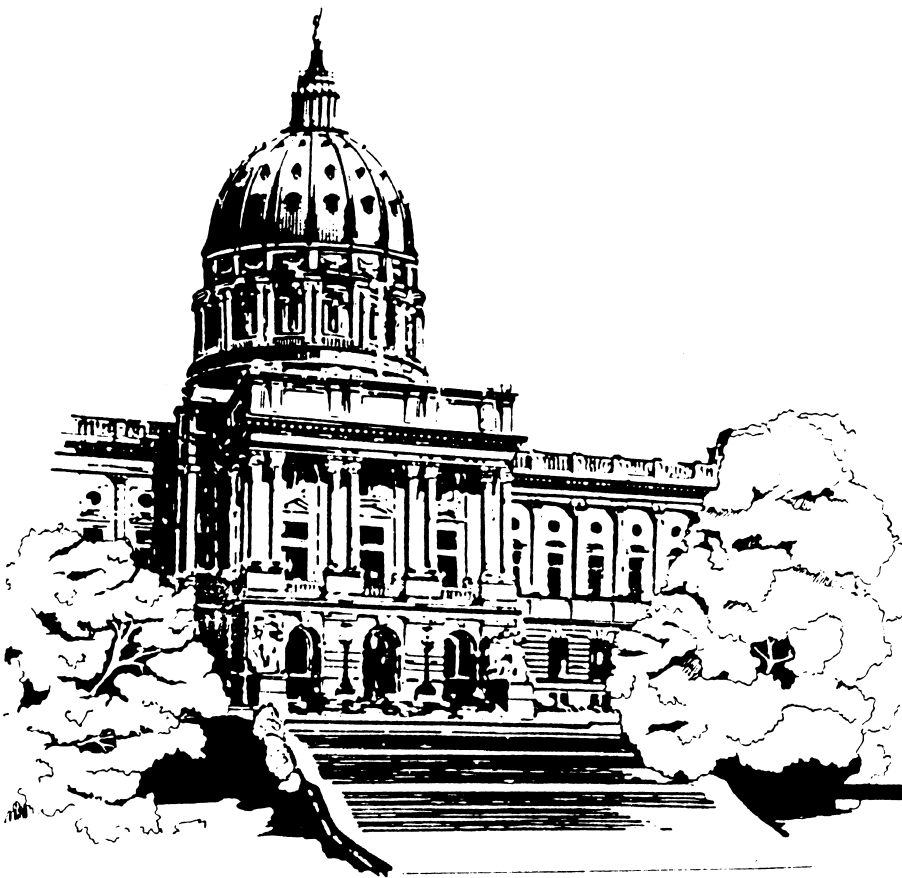
# PENNSYLVANIA BULLETIN

Volume 51  
Saturday, December 4, 2021 • Harrisburg, PA

Number 49

## Part II

This part contains the  
Notices





# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 21.180: Pennsylvania Civil War Battle Flag Exhibit.** The Capitol Preservation Committee seeks proposals from qualified museum exhibit design firms to design and install a new, long-term exhibition of Civil War artifacts, print and graphic media. Construction and installation to adhere to museum standards as outlined in the specification. Museum lighting requirements must be maintained. Proposers will be provided with background research to aid in the design of the exhibit.

A \$100 deposit is required for issuance of project documents. The issue date of the request for proposal documents was Monday, November 15, 2021. A mandatory preproposal conference and walk through will be held on December 8, 2021, at 10 a.m. in the Pennsylvania Civil War Flag Education Center, 2221 Forster Street at the east end of the parking lot. The proposal receipt date is January 20, 2022, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 21-1999. Filed for public inspection December 3, 2021, 9:00 a.m.]

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 21.181: Conservation Maintenance of the Barnard Statuary and Mexican War Monument.** This project involves the yearly cyclical preservation maintenance of the Barnard Statuary and Mexican War Monument. Conservation/maintenance includes repair of microcracks, mortar joints, cementitious composite patch material, sealant joint and fabrication and installation of elective replacement Dutchman for the Barnard Statuary. Preventive cleaning, rinsing and application of an antimicrobial treatment for the Barnard Statuary and Mexican War Monument. The work also includes detailed review, condition assessment and reporting of conditions in electronic and hard copy formats.

A \$100 deposit is required for issuance of project documents. The issue date of the request for proposals was November 15, 2021. A mandatory preproposal conference and walk through will be held on December 8, 2021, in Room 630 of the Main Capitol at 1 p.m. The proposal receipt date is January 20, 2022, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 21-2000. Filed for public inspection December 3, 2021, 9:00 a.m.]

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 21.183: Maintenance Relamping of the House Chamber.** The project includes scaffolding to access four large and two small ceiling hung chandeliers to relamp and clean the chandeliers. The successful proposer will be responsible for all protection, labor, supervision and materials (save the lamps) to execute this project.

The issue date of the request for proposals was November 22, 2021. A mandatory preproposal conference and walk through will be held on December 9, 2021, in Room 630 of the Main Capitol at 10:30 a.m. The proposal receipt date is January 20, 2022, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 21-2001. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF AGING

### Pennsylvania Long-Term Care Council; Location Change for December 9, 2021, Meeting

Due to the novel coronavirus (COVID-19) pandemic, the Pennsylvania Long-Term Care Council's (Council) December 9, 2021, meeting will now be held remotely by means of WebEx and in person at the Department of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101. The start time will remain 10 a.m. Individuals wishing to attend the meeting are asked to contact Sasha Santana, Executive Secretary, (717) 787-3368, [ssantana@pa.gov](mailto:ssantana@pa.gov).

Individuals in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Sasha Santana, Executive Secretary, (717) 787-3368, [ssantana@pa.gov](mailto:ssantana@pa.gov).

ROBERT TORRES,  
*Secretary*

[Pa.B. Doc. No. 21-2002. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Standards and Requirements for the Bureau of Farmland Preservation Soil Health Education Grant

The Department of Agriculture (Department) hereby provides notice of the standards and requirements for the Bureau of Farmland Preservation's Soil Health Education Grant Program (Program).

The Program is established under authority of the act of July 1, 2019 (3 Pa.C.S. §§ 4801—4810), known as the Agricultural Business Development Center Act (act). The

act allows the Department to award matching grants to farmers, prospective farmers and others in furtherance of the objectives set forth in the act.

This notice establishes the standards and requirements for the Program. It establishes the process by which grant applications will be solicited and reviewed, and by which grants will be awarded, drawing on up to \$10,000 in funding made available by the Department in Fiscal Year (FY) 2021-2022.

The Department is soliciting applications that fulfill the general objective of the act, as described as follows.

1. *Program Objectives.* The Program's objective is to provide mini grants to eligible county farmland preservation boards to further the objectives of the act. These grants will fulfill the specific objective of providing resources to help maintain the long-term economic viability of farms and protect the investment of public funds in preserving farms that are subject to perpetual agricultural conservation easements acquired under the act of June 30, 1981 (P.L. 128, No. 43), known as the Agricultural Area Security Law (3 P.S. §§ 901—915.1), for agricultural production by providing funds for soil health education and outreach efforts.

2. *Eligibility.* County farmland preservation boards may apply to the Department for a grant under the Program.

3. *Available Funding.* The Department shall make up to \$10,000 available for Program grants in FY 2021-2022.

4. *Grant Caps, Limits and Restrictions.*

a. *Funds-Available Basis.* Grants shall be awarded on a funds-available basis.

b. *Eligible Projects.* Grants shall only be awarded with respect to projects that achieve the Program objective presented in Paragraph No. 1.

c. *Maximum Grant Amount:* An individual grant shall not exceed \$1,000.

d. *Matching Grants.* Grant amounts shall be limited to 75% of project costs.

e. *Reimbursement Grants.* Grants shall be reimbursement grants. The amount of reimbursement is based on actual eligible costs submitted by an approved applicant for an approved project during the fiscal year in which grants are offered.

f. *No In-Kind Support.* In-kind support shall not be counted toward an applicant's matching contribution.

g. *Other Funding.* Grant money may not be used to reimburse any portion of the project costs which are being paid or reimbursed under another Federal or State grant program.

5. *Application Process.*

a. *Submit application to Bureau of Farmland Preservation.* An application for a grant under the Program shall be submitted to the Bureau of Farmland Preservation by e-mailing a completed grant packet to RA-farmland@pa.gov.

b. *Application Window.* Applications must be submitted to the Bureau at RA-farmland@pa.gov between 8 a.m. January 3, 2022, and 4 p.m. February 28, 2022. Applications received outside of that application window, or after funding is exhausted, will not be considered or reviewed.

c. *Single Project.* An application shall only seek grant funds for a single project. Separate projects require separate applications.

d. *Rolling Review.* The Department will review complete grant applications in the order they are received, and will award grants on a continuous basis until available funds are exhausted.

6. *Application Requirements.* An application for a grant under the Program shall contain the following information:

a. The applicant's name, business address and contact information.

b. A detailed narrative describing how the funds will be used for soil health education and outreach efforts aimed at preserved farm landowners, including an estimate of how many preserved farm landowners will be reached through these efforts.

c. The details of the project for which reimbursement grant money is sought, including the following:

i. A project budget.

ii. A statement of the maximum amount of grant money sought for the project.

iii. A project implementation schedule, as appropriate for the project or purchase with respect to which the grant is sought.

d. An attestation signed by the applicant, verifying the accuracy of the information presented on the application.

7. *Disposition and Review of Grant Applications.*

a. The Department will review each application, and supporting documentation submitted therewith, for completeness and accuracy, and determine eligibility.

b. If an application is found to be incomplete or inaccurate, the Department may request additional documentation and may discontinue further processing of the application until the requested information is received.

8. *Notice of Disposition of Application.* The Department will provide the applicant written notice of the disposition (approval or disapproval) of the application.

9. *Agreement Required.* If the Department approves a grant application, and as a precondition to the Department's release of grant moneys to a successful applicant, the Department and the applicant shall execute a Grant Agreement which describes the terms and conditions subject to which the grant is made. The Grant Agreement follows hereto as Addendum 1 and incorporated by reference.

10. *Distribution of Grant Money.* As Program grants are reimbursement grants, the Department will not issue grant money until the successful applicant submits the following to the Department:

a. A verified statement that the eligible project has been completed or implemented.

b. A verified statement of the project completion date, with the project completion date being no later than July 31, 2022.

c. Bills and invoices demonstrating that expenses were incurred for which reimbursement grant funds are sought.

d. A final report including the number of preserved farm landowners reached through education and outreach efforts and the acres of preserved farmland owned by the landowners reached.

e. Other information as the Department might reasonably require.

11. *Additional Information.* Additional information may be obtained from the Department by contacting Andrea Reiner, (717) 836-3237, anreiner@pa.gov.

RUSSELL C. REDDING,  
Secretary

### Addendum 1—Grant Agreement

#### PENNSYLVANIA DEPARTMENT OF AGRICULTURE GRANT AGREEMENT

This Grant Agreement (the “Agreement”) is entered into by and between the Commonwealth of Pennsylvania, Department of Agriculture, 2301 North Cameron Street, Harrisburg PA 17110 (“PDA”), and \_\_\_\_\_ [GRANTEE NAME, ADDRESS, CITY, STATE, ZIP CODE] \_\_\_\_\_ (“GRANTEE”).

#### I. RECITALS

A. The American Farmland Trust has provided a \$10,000 Soil Health Stewards grant to the Agricultural Business Development Fund established under section 4810 of the Agricultural Business Development Center Act (3 Pa.C.S. §§ 4801—4810) (the “Act”) to award matching grants in furtherance of the objectives set forth in the Act. PDA has approved the use of these funds to provide mini grants to eligible county farmland preservation boards to further the objectives of the Act. These grants will fulfill the specific objective of providing resources to help maintain the long-term economic viability of farms and protect the investment of public funds in preserving farms that are subject to perpetual agricultural conservation easements acquired under the act of June 30, 1981 (P.L. 128, No. 43), known as the Agricultural Area Security Law (3 P.S. §§ 901—915.1), for agricultural production by providing funds for soil health education and outreach efforts.

B. GRANTEE has submitted a proposal for a project that PDA has determined will further and fulfill the purpose for which the funds have been provided.

#### II. AGREEMENT

In consideration of the foregoing recitals, which are incorporated herein, and the mutual promises contained in this Agreement, the Parties, intending to be legally bound, agree as follows:

1. **SCOPE.** This grant is for the project described in detail in the work plan and budget attached hereto and incorporated herein as Attachment 2, and summarily described as follows: [INSERT NAME OR BRIEF DESCRIPTION OF PROJECT].

2. **EFFECTIVE DATE AND TERM.** This Agreement shall become effective on the date of the last required signature affixed hereto. Upon becoming effective, the term of this Agreement shall be agreed to be as follows: [BEGINNING DATE] to [END DATE]. It is agreed that reimbursement hereunder may occur for work performed before the effective date hereof, if such work is included in the work plan and budget attached hereto and incorporated herein as Attachment 2.

3. **REIMBURSEMENT.** PDA agrees to contribute an amount not to exceed [DOLLAR AMOUNT OF GRANT (\$ \_\_\_\_\_)] for the period of this Agreement, and all amounts so contributed shall be controlled by PDA. If PDA determines that additional funding becomes available, PDA may, at its option increase or decrease the funding for any period of the contract term. PDA will notify the GRANTEE in writing of any funding increase or decrease. For any additional funding, GRANTEE shall submit to PDA a detailed revised work plan.

4. **CONTRIBUTION.** GRANTEE agrees to contribute any additional necessary funds required to complete the work, if any, in accordance with the terms of the work plan and budget attached hereto and incorporated herein.

5. **PERMITTED EXPENDITURES.** Funds provided by PDA shall be used for only those expenses outlined in the work plan and budget attached hereto and incorporated herein. Any and all funds provided by PDA which are used for unauthorized expenditures shall be returned to PDA by GRANTEE.

6. **PROHIBITED EXPENDITURES.** GRANTEE shall not purchase any equipment of any type or kind under the terms of the Agreement, provided however, that upon the prior written approval of PDA, equipment purchases may be permitted where mandated by the nature of the project and agreed to by PDA.

#### 7. ITEMIZED EXPENDITURES, INVOICES, REPORTS.

a. It is mutually understood and agreed that the funds made available pursuant to this Agreement shall be used by GRANTEE for actual legitimate expenditures in the fulfillment of obligations under this Agreement; expense records should be maintained in accordance with Attachment 1-G. Travel outside the Commonwealth of Pennsylvania must have prior written approval from PDA before it can be reimbursed and all travel expenses are reimbursed at state rates.

b. Payment by PDA to GRANTEE shall be made not more than once each month, upon submission of a certified invoice, on a reimbursement of costs incurred basis. Invoices shall indicate expenditures incurred by budget categories.

c. Progress reports shall be submitted semi-annually in accordance with Attachment 1-G.

8. **HOLD HARMLESS.** GRANTEE agrees to indemnify and hold the Commonwealth, PDA, its officers, agents and employees harmless from and against any and all suits and judgements for damages for personal injury, death, or damage to real or tangible personal property arising out of or in conjunction with the performance by GRANTEE under this Agreement and caused by GRANTEE’s negligence or intentional wrongful acts.

**9. ADDITIONAL COMPLIANCE REQUIREMENTS.**

a. The following additional compliance requirements are attached and incorporated into this Agreement and made a part hereof. GRANTEE shall comply with, and be bound by, the provisions set forth in these attachments:

- i. *Attachment 1-A—Pennsylvania Electronic Payment Program.*
- ii. *Attachment 1-B—Nondiscrimination / Sexual Harassment Clause.*
- iii. *Attachment 1-C—Contractor Integrity Provisions, with respect to which GRANTEE is the “Contractor.”*
- iv. *Attachment 1-D—The Americans With Disabilities Act provisions, with respect to which GRANTEE is the “Contractor.”*
- v. *Attachment 1-E—Right-to-Know Provisions.*
- vi. *Attachment 1-F—Contractor Responsibility Provisions, with respect to which GRANTEE is the “Contractor.”*
- vii. *Attachment 1-G—Additional Requirements. Where applicable, GRANTEE is the “Contractor” and PDA is “Agriculture” and “Commonwealth.”*

b. The GRANTEE agrees that in the performance of its obligations under this Agreement it will comply with all applicable, state and local laws and regulations.

c. Any forbearance by PDA in exercising any right or remedy hereunder, or otherwise afforded by applicable law shall not be a waiver of or preclude the exercise of any such right or remedy at any appropriate time.

d. The GRANTEE shall, in the performance of this Agreement, act in an independent capacity and not as an officer, employee or agent of PDA.

10. **STATE TAX LIABILITY.** GRANTEE agrees that the COMMONWEALTH may set-off the amount of any state tax liability or other debt of the GRANTEE or its subsidiaries, that is owed to the Commonwealth of Pennsylvania and not being contested on appeal, against any payments due the GRANTEE under this Agreement.

11. **TERMINATION AND ASSIGNMENT.** If through any cause, GRANTEE shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or in the event of violation of any of the covenants contained in this Agreement, PDA shall thereupon have the right to terminate this Agreement by giving thirty (30) days written notice to GRANTEE specifying the effective date of termination. PDA shall also have the option to terminate for convenience by giving thirty (30) days written notice to GRANTEE. If the Agreement is terminated for convenience, GRANTEE shall be reimbursed for all expenses properly incurred under the terms of this Agreement prior to receipt of notice. GRANTEE shall not assign any interest in this Contract, nor shall any interest be transferred by novation or assignment without prior written consent of PDA.

12. **SEVERABILITY.** The terms and provisions of this Agreement are severable. In the event of the unenforceability or invalidity of any one or more of the terms, covenants, conditions or provisions of this Agreement under federal, state or other applicable laws, such unenforceability or invalidity shall not render any other term, covenant, condition or provision hereof unenforceable or invalid.

13. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the parties. No amendment or modification hereof shall have any force or effect unless it is in writing and signed by all parties.

14. **CONTINGENCY.** PDA’s obligation to make payments shall be subject to the availability and appropriation of funds.

15. **APPLICABLE LAW.** This Agreement shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any conflict of laws provisions) and the decisions of the Pennsylvania courts. GRANTEE consents to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. GRANTEE agrees that any such court shall have *in personam* jurisdiction over it, and consents to service of process in any manner authorized by Pennsylvania law.

**IN WITNESS WHEREOF,** the Parties hereto, with the intention of being legally bound hereby, have caused this Agreement to be duly executed.

[GRANTEE]

By: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name:

Title:

\_\_\_\_\_  
VENDOR NUMBER

**PENNSYLVANIA DEPARTMENT OF AGRICULTURE**

Date: \_\_\_\_\_

\_\_\_\_\_  
SECRETARY / DEPUTY SECRETARY OR DESIGNEE

## APPROVED AS TO FORM AND LEGALITY:

PDA CHIEF COUNSEL

Date \_\_\_\_\_

**Contract Form Approval: Form No. 2-FA-9.0**  
**OGC Approval: August 6, 2019**  
**OAG Approval: August 16, 2019**

I hereby certify that funds are available under appropriation symbol: \_\_\_\_\_

FC# \_\_\_\_\_

\$ \_\_\_\_\_

Date: \_\_\_\_\_

COMPTROLLER

**Attachment 1-A****PENNSYLVANIA ELECTRONIC PAYMENT PROGRAM**

*a. The Commonwealth will make payments to the recipient through ACH. Within 10 days of the grant award, the grantee must submit or must have already established its ACH information in the Commonwealth's Master Database. The grantee will also be able to enroll to receive remittance information via electronic addenda and email (e-Remittance). ACH and e-Remittance information is available at <https://www.budget.pa.gov/Services/ForVendors/Pages/Direct-Deposit-and-e-Remittance.aspx>.*

*b. The recipient must submit a unique invoice number with each invoice submitted. The unique invoice number will be listed on the Commonwealth's ACH remittance advice to enable the recipient to properly apply the state agency's payment to the respective invoice or program.*

*c. It is the responsibility of the recipient to ensure that the ACH information contained in the Commonwealth's Master Database is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.*

**Attachment 1-B****NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE**

The Grantee agrees:

*1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the grant agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act (PHRA) and applicable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.*

*2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any of its employees.*

*3. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the grant agreement, subgrant agreement, contract or subcontract.*

*4. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the Public Employee Relations Act, Pennsylvania Labor Relations Act or National Labor Relations Act, as applicable and to the extent determined by entities charged with such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.*

*5. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the grant services are performed shall satisfy this requirement for employees with an established work site.*

*6. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the grant relates.*

*7. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to Title VII of the Civil Rights Act of 1964, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting*

agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

8. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

9. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

10. The Commonwealth may cancel or terminate the grant agreement and all money due or to become due under the grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

#### **Attachment 1-C**

#### **CONTRACTOR INTEGRITY PROVISIONS**

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

**1. DEFINITIONS.** For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

**a. "Affiliate"** means two or more entities where (a) a parent entity owns more than fifty percent of the voting stock of each of the entities; or (b) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or (c) the entities have a common proprietor or general partner.

**b. "Consent"** means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.

**c. "Contractor"** means the individual or entity, that has entered into this contract with the Commonwealth.

**d. "Contractor Related Parties"** means any affiliates of the Contractor and the Contractor's executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

**e. "Financial Interest"** means either:

(1) Ownership of more than a five percent interest in any business; or

(2) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

**f. "Gratuity"** means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor's Code of Conduct, Executive Order 1980-18, the 4 Pa. Code § 7.153(b), shall apply.

**g. "Non-bid Basis"** means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

**2.** In furtherance of this policy, Contractor agrees to the following: **a.** Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.

**b.** Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity Provisions conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

**c.** Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.

**d.** Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

**e.** Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:



- (1) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;
- (2) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;
- (3) had any business license or professional license suspended or revoked;
- (4) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and
- (5) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the Commonwealth in writing if at any time during the term of the contract if becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual circumstances or were false or should have been known to be false when entering into the contract.

**f.** Contractor shall comply with the requirements of the Lobbying Disclosure Act (65 Pa.C.S. § 13A01 et seq.) regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the Section 1641 of the Pennsylvania Election Code (25 P.S. § 3260a).

**g.** When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.

**h.** Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

**i.** Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third party beneficiaries shall be created thereby.

**j.** For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

#### **Attachment 1-D**

#### **AMERICANS WITH DISABILITIES ACT**

**a.** Pursuant to federal regulations promulgated under the authority of *The Americans with Disabilities Act*, 28 C. F. R. § 35.101 et seq., the contractor understands and agrees that it shall not cause any person with a disability to be excluded from participation in this Contract or from activities provided for under this Contract on the basis of the disability. As a condition of accepting this contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C. F. R. § 35.130, and all other regulations promulgated under Title II of *The Americans with Disabilities Act* which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.

**b.** The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of subparagraph (a) above.

**Attachment 1-E****RIGHT TO KNOW LAW—GRANT PROVISIONS—8-K-1580, 2/1/2010**

**a.** Grantee or Subgrantee understands that this Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, (“RTKL”). For the purpose of these provisions, the term “the Commonwealth” shall refer to the granting Commonwealth agency.

**b.** If the Commonwealth needs the Grantee’s or Subgrantee’s assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee of Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

**c.** Upon written notification from the Commonwealth that it requires Grantee’s or Subgrantee’s assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee’s or Subgrantee’s possession, constituting, or alleged to constitute, a public record in accordance with the RTKL (“Requested Information”), Grantee or Subgrantee shall:

1. Provide the commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in Grantee’s or Subgrantee’s possession arising out of this Grant Agreement that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and
2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Grant Agreement.

**d.** If Grantee or Subgrantee considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

**e.** The Commonwealth will rely upon the written statement from Grantee or Subgrantee in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the commonwealth determine that the Requested Information is clearly not exempt from disclosure, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notice of the Commonwealth’s determination.

**f.** If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee’s or Subgrantee’s failure, including any statutory damages assessed against the Commonwealth.

**g.** The Commonwealth will reimburse Grantee or Subgrantee for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

**h.** Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee’s or Subgrantee’s failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth’s disclosure of Requested Information pursuant to the RTKL.

**i.** The Grantee’s or Subgrantee’s duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

**Attachment 1-F****CONTRACTOR RESPONSIBILITY PROVISIONS**

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, grantee or lessor, who has furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term contractor includes a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

**1.** The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.

**2.** The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.

3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may search the current list of suspended and debarred Commonwealth contractors by visiting the eMarketplace website at <http://www.emarketplace.state.pa.us> and clicking the Debarment List tab.

## **Attachment 1-G**

### **ADDITIONAL REQUIREMENTS**

#### **1. RIGHTS IN DATA, COPYRIGHTS AND DISCLOSURE**

**a. Rights in Data**—Data submitted to and accepted by PDA under this Contract shall be the property of PDA and it shall have full right to use such data for any official purpose in whatever manner deemed desirable and appropriate including making it available to the general public. Such use shall be without any additional payment to or approval of the Grantee.

**b. Copyright**—Except for the rights described in subsection 1.d. hereunder, the Grantee relinquishes any and all copyrights and or all copyright-rights, and or privileges to data developed under this Contract. The Grantee shall not include in the data submitted any copyrighted matter for which Grantee does not hold all rights in copyright, without the written approval of authorized PDA personnel, unless the Grantee provides PDA with written permission of the copyright owner to use such copyrighted matter in the manner provided in this Article.

**c. Definition**—The term "data" as used in this Contract, includes written reports, studies, drawings, or other graphic, electronic, chemical, or mechanical representations, and work of any similar nature which is required to be delivered under this Contract.

**d. License**—Grantee shall have irrevocable, royalty-free, nonexclusive and nontransferable permission and license to use such data and copyrighted matter for its own purposes, including the right to use such data and copyrighted matter for the purpose of presenting the results of the Project in scholarly journals and other appropriate publication, or at technical meetings.

#### **2. PATENT RIGHTS**

**a. Right to Inventions**—Grantee shall retain all right, title and interest in and to all inventions whether or not patentable, that are first conceived, discovered or reduced to practice in the performance of work under this Contract.

**b. License**—PDA shall have an irrevocable, royalty-free, non-exclusive and non-transferable right and license to practice all inventions arising from the performance of the work under this Contract for all Commonwealth purposes.

**c. Additional Provisions**—The following additional provisions shall apply to all inventions which may result from the work performed under this Contract:

(i) Subject to the rights of PDA set forth in subsection b, above, Grantee is permitted to obtain patent protection of any inventions arising from the work performed under this Contract. Such protection shall be obtained in Grantee's name and at Grantee's sole expense.

(ii) Grantee is further permitted to license or otherwise dispose of such inventions to commercial or non-profit entities, subject to the rights of PDA set forth in subsection b above.

(iii) In the event that such inventions are jointly conceived, discovered, or reduced to practice by Grantee and PDA, and Grantee receives any royalties or other revenues from the license or disposition of such inventions, such royalties or revenues shall first be used to reimburse Grantee's documented expenses incurred in: (a) obtaining patent protection of the inventions; and (b) negotiating with interested parties for the license or disposition of the inventions. After such expenses of Grantee are reimbursed, PDA and Grantee shall negotiate in good faith for distribution of any remaining royalties or revenues between PDA and Grantee.

#### **3. PATENT AND COPYRIGHT INFRINGEMENT**

**a. Defense of Infringement Suits**—Grantee, at its own expense, will defend any suit which may be brought against the Commonwealth of Pennsylvania and PDA for the infringements of United States patents or copyrights by the equipment, products or data furnished hereunder for which Grantee had knowledge of such infringement at the time of furnishing, and, in any such suit, will satisfy any final award of such infringement, provided PDA ceases the alleged infringing activity immediately upon receiving a cease and desist request. Grantee has no duty to conduct infringement or freedom to operate searches or analyses prior to furnishing equipment, products, or data.

**b. Notice and Opportunity to Defend**—This is upon the condition that PDA shall give Grantee prompt written notice of such suit and full right and opportunity to conduct the defense thereof together with full information and all reasonable

cooperation, and upon further condition that the claimed infringement does not result from the combination of equipment, products or data furnished hereunder with other equipment, apparatus, or devices not furnished hereunder. No cost or expense shall be incurred for the account of Grantee without written consent. If principles of government or public law are involved, PDA may participate in the defense of any such action.

**c. Substitution of Equipment, Products or Data**—If Grantee had knowledge at the time of furnishing equipment, products or data that such items infringed a United States patent, then without diminishing Grantee's obligation to satisfy said final award, Grantee may, at its option, substitute for the alleged infringing equipment, products or data other equally suitable equipment, products or data satisfactory to PDA, or at Grantee's option and expense, obtain the rights for PDA to continue the use of such equipment, products or data. If the use of such equipment, products or data by PDA shall be prevented by permanent injunction, Grantee agrees to take back such equipment, products or data and refund any sums PDA shall have expended.

#### 4. MISCELLANEOUS ADDITIONAL REQUIREMENTS

**a. Use of Contract Sums.** Contractor, using Project funds, agrees to commit its skills, resources and facilities to the fulfillment of the Project and assign professional and skilled personnel to work on this Project. In the absence of such skilled personnel, Contractor will engage the services of such qualified personnel as provided for in its Proposal and put them to work on this Project under the direction of Contractor. In addition to providing such personnel, Contractor shall furnish all other items needed for the performance of the Project including, but not limited to, non-professional and unskilled personnel, materials, supplies, services, communications, equipment, and travel (travel outside the Commonwealth of Pennsylvania must have prior written approval from the Secretary of Agriculture before it can be reimbursed). All travel expenses to be reimbursed at state rates.

**b. Progress Reports Schedule.** The Contractor agrees to submit to Agriculture periodic progress reports of the Project according to PDA's Instructions for Preparing Agricultural Research Project Progress Reports as set forth in Paragraph i, below. Agriculture reserves the right to withhold payments due, under the terms of this Contract, for failure by Contractor to submit required reports until such reports have been received by Agriculture.

**c. Expense Records.** The Contractor agrees to maintain books, records, documents, correspondence, and other evidence pertaining to the costs and expenses of this Contract (hereinafter collectively referred to as "the records"), to the extent and in such detail as will properly reflect all costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature, and maintenance of records in accordance with generally accepted accounting principles and generally accepted auditing standards. The records must include, but are not necessarily limited to the following:

- (i) *Employees' Time Records (Percentage of Effort Reports)*
  - a. A budget, which includes a list of employees, and each employees' position classification, the percentage of effort to be given to that project and the salary and benefit costs.
  - b. Time period and date.
  - c. Percentage of effort spent on project related activities.
  - d. Access to documentation which supports the total percentage of effort an employee works and is compensated during a period.
  - e. All percentage of effort reports must be signed by the employee and their supervisor.
  - f. The employees' total percentage of effort for a period should not be more than 100 percent.
- (ii) *Materials Supplies and Equipment*
  - a. Actual expenses for all costs incurred, supported by invoices from suppliers.
- (iii) *Employee's Travel Expense Records*
  - a. Miles traveled on project business
  - b. Destination and nature of travel
  - c. Date of travel
  - d. Employees' signature
  - e. Supervisor's approval by signature.
- (iv) *Employee's Expense Records*
  - a. Subsistence and lodging charges
  - b. Incidental costs incurred
  - c. Nature and purpose of expense
  - d. Employees' signature
  - e. Supervisor's approval by signature.

The records shall be maintained at Contractor's principal place of business or its principal office. Agriculture shall have full access to the original of the records including right to make copies. The records shall be maintained by Contractor for a period three (3) years and shall be subject to audit by Agriculture and the Auditor General of the Commonwealth of Pennsylvania or their representatives.

**d. Publications.** Contractor agrees that any articles, fact sheets, reports or publications arising out of this Contract shall acknowledge sponsorship of Agriculture. When personnel of Agriculture have been directly cooperating in obtaining the results that are to be published, the individuals concerned will be invited to be co-authors.

**e. Budget Deviation.** Contractor shall have discretionary authority to spend the funds made available by this Contract for the research to be performed, with allowance for deviation within the total budget amount. However, Agriculture shall be informed prior to any such deviation and shall have the right to disapprove any reallocation amounting to an increase of more than ten percent (10%) of any budget category in any fiscal year.

**f. Approval of Funds paid to Agriculture Employees.** None of the funds provided under this Contract will be used to pay anyone on the payroll of Agriculture unless such payments are specifically approved in advance by the Executive Board of the Commonwealth of Pennsylvania.

**g. Interest of Contractor.** The Contractor covenants that it presently has no interest, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its activities hereunder. Contractor further covenants that in the performance of this Contract, it will not knowingly employ any person having any such interest.

**h. Personal Property.** Accounting for personal property—Personal property of whatever nature which shall be required by the Contractor in its performance of this Contract and which is not already owned by the Contractor must be acquired in the following manner:

- (i) Expendable items shall be included in the budget as presented to Agriculture.
- (ii) Capital goods and capital equipment of a non-expendable nature which shall be required for use by the Contractor which the Contractor does not already possess shall be acquired alternately either by rental or by purchase. The decision of rental or purchase shall be at the sole discretion of Agriculture. If the decision is that the necessary non-expendable property be procured on a rental basis, then the rental cost of such property shall be included in the budget. If said property is to be purchased, it shall be included in the budget and, with approval of Agriculture, shall be purchased by the Contractor in the manner directed. Title to all such property purchased shall be taken in the name of Agriculture and a copy of the Bill of Sale promptly returned to Agriculture.
- (iii) Capital goods and equipment are defined as equipment or goods exceeding \$5,000.00 per item.
- (iv) Upon cancellation or termination of this Contract, Agriculture may at its sole option take possession of such property. If Agriculture does not take possession of such property, the Secretary of Agriculture or the Governor's Office of Administration may, in their discretion grant Contractor permission to retain such property until Agriculture chooses to take possession, provided however that Contractor in the interim may use the property only for non-commercial research or educational purposes.

**i. Instructions For Preparing Agricultural Project Progress Reports**

- (i) Progress reports will be of three general types, as listed below:

**a. Semi-annual Report:**

These are due within thirty (30) days of the close of the reporting period. The reporting period encompasses every six months starting with the effective date of the contract. There should be an original and four (4) copies. These reports should be detailed reports of progress over the reporting period, and should include results which might be of use to the public. They should include such key elements as: project title, preparation date, institution or agency conducting the research, reporting period, expenditures for the period, progress toward meeting objectives, significance of findings, any recommendations which result, and the signature of the project leader. Copies of publications, news articles, and releases should be included. Photographs, charts, tables, maps, and other visual aids would be appropriate. They should also outline the work planned for the next six months.

**b. Annual Report supplement to above.**

The twelfth and twenty-fourth month reports should include a self-evaluation of the progress for the previous year and justification for continuing the project. If any conditions affecting the project have changed, they should be noted. The twelfth and twenty-four month reports also should include a one to three paragraph non-technical description of work completed which would be suitable for release to the general public.

**c. Final Report:**

Due within thirty (30) days of the completion of the project. An original and five (5) copies are required. This report is to be a comprehensive report of the entire project including all of the items in the semi-annual reports and the following information:

1. A list of all personnel, and their positions, who were associated with the project.
2. A narrative evaluation of accomplishments toward achieving the objectives. If objectives were not met, provide justification.
3. A general distribution list of publications.
4. A statement of the benefits received from conducting the project.

- (ii) The reports should be typed and reproduced in a manner suitable for public distribution.

- (iii) The original, properly signed, and the copies should be submitted to: Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

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[Pa.B. Doc. No. 21-2003. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) issues this temporary order designating Chronic Wasting Disease (CWD), Viral Hemorrhagic Septicemia (VHS), the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1), *Brucella canis*, Tilapia lake virus (TiLV), *Streptococcus equi ssp. zooepidemicus* (*S. zooepidemicus*) in swine, Rabbit Hemorrhagic Disease (RHD), and *Leishmaniasis* as “dangerous transmissible diseases.” These designations are made under the authority of the Domestic Animal Law (3 Pa.C.S. §§ 2301–2389).

This temporary order is the successor to a previous temporary order which was published in the January 16, 2021, *Pennsylvania Bulletin*, 51 Pa.B. 334 (January 16, 2021). This temporary order hereby rescinds and replaces the January 16, 2021, temporary order.

Under the Domestic Animal Law at 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under the Domestic Animal Law at, 3 Pa.C.S. § 2321(d) (relating to designation of additional dangerous transmissible diseases through temporary order), the Department has authority to declare a disease that has not been specifically identified in that statute as a “dangerous transmissible disease” to be a dangerous transmissible disease through issuance of a temporary order making that designation. Under the authority of the Domestic Animal Law, set forth above, the Department hereby establishes the following diseases as “Dangerous Transmissible Diseases.”

#### 1. CWD

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or “mad cow” disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a “prion.” There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

CWD has been identified in both captive and wild deer in this Commonwealth. The designation of CWD as a “dangerous transmissible disease” allowed the Department to facilitate the development and oversight of a surveillance program and quarantine orders that allow for detection, tracing and containment of the CWD outbreak and allows the Department to react and take action necessary to carry out its statutory duty under the Domestic Animal Law.

#### 2. VHS

VHS virus is a serious pathogen of fresh and saltwater fish that is causing a disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of infected fish. Once a fish is infected with VHS, there is no

known cure. Not all infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

#### 3. Neurologic Form of EHV-1

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geographic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheobronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild in coordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas, and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

#### 4. Canine Brucellosis (*Brucella canis*)

Canine brucellosis is an infectious disease of dogs caused by the *Brucella canis* (*B. canis*) bacteria. *B. canis* infection in breeding dogs is an important cause of reproductive failure, particularly in kennels. *B. canis* infection can result in abortions, stillbirths, epididymitis, orchitis and sperm abnormalities in breeding dogs. Infected dogs that have been spayed or neutered may develop other conditions such as ocular disease and discospondylitis.

Transmission of *B. canis* occurs through exposure to secretions during estrus or mating or by contact with infected tissues during birth or following abortion. In addition, infected dogs may spread the bacteria in blood, milk, urine, saliva, nasal and ocular secretions, and feces. Puppies can become infected in utero, during birth, through nursing, and by contact with contaminated surfaces. The bacteria can also be transmitted by fomites.

*B. canis* is considered to be a zoonotic organism, although its importance as a cause of human illness is still unknown. People in very close contact with infected dogs are thought to be more at risk of infection, including those who work in a breeding kennel, and veterinarians. Laboratory personnel handling the organism are also considered to have a higher risk of infection. The symptoms of this disease in humans are nonspecific and cases may not be reported. The 2012 National Association of State Public Health Veterinarians (NASPHV) document “Public Health Implications of *B. canis* Infections in Humans” reports that there are documented cases of

infection with *B. canis* leading to serious health problem. Those with compromised immune systems may be at higher risk of serious illness. Treatment with antibiotics may be effective.

Although infection in dogs can be treated with antibiotics, *B. canis* can persist in an animal even after treatment. Prevention is key, and all dogs entering a breeding kennel or used for breeding should first be test-negative or come from a brucella-negative source. Ongoing and regular testing is recommended, even in closed breeding facilities, and this is an essential component of recognition and prevention. Proper biosecurity and sanitation of breeding facilities is also recommended to prevent disease transmission. Infected puppies or dogs should not be purchased or adopted.

#### 5. *Tilapia lake virus (TiLV)*

TiLV is a serious viral pathogen of farmed and wild Tilapia which has caused large losses in farmed fish in other countries. This orthomyxo-like virus was detected in an aquaculture facility within the United States and spread to other fish farms before it was eradicated from the country. The entry of the virus was traced to the importation of infected fry (juvenile fish) from an endemic region.

Lesions associated with TiLV infection include discoloration, renal congestion, encephalitis, ocular degeneration and abdominal swelling. Mortality can range from 10 to 90%. Morbidity and mortality generally become apparent in farmed fish within 1 month of movement from the hatchery to grow-out cages—thus, the disease is commonly known as “tilapia one-month mortality syndrome.”

#### 6. *Streptococcus equi subspecies zooepidemicus (S. zooepidemicus) in swine*

*Streptococcus equi ssp. zooepidemicus (S. zooepidemicus)* is an opportunistic bacteria that has recently caused major economic losses in the swine industry in China. Although *S. zooepidemicus* is most commonly known as the cause of severe respiratory or uterine infections in horses, it is able to infect many other species, including swine, cattle, rabbits, pigs, dogs, cats, and humans. In animals, symptoms can include fever, inflammation of lymph nodes, sepsis, mastitis, and bronchopneumonia.

To protect the swine industry in Pennsylvania, potential infections in swine should be investigated to determine how widespread this organism is in swine and to assist producers in reducing the risk of infection and spread of disease.

#### 7. *Rabbit Hemorrhagic Disease (RHD)*

RHD is a fatal disease in rabbits and is considered a foreign animal disease in the United States. RHD is caused by a calicivirus and there are several strains which cause disease. Rabbit Hemorrhagic Disease Virus Serotype 2 (RHDV-2) has been detected in North America in recent years. RHDV-2 is highly contagious and affects both domestic and wild rabbits, including hares, jackrabbits and cottontails.

The virus causing RHD can be transmitted by direct contact with infected rabbits or indirectly through carcasses, food, water, and any contaminated materials, and it is very resistant to extreme temperatures. Infection may result in a peracute febrile disease which causes hepatic necrosis, enteritis, and lymphoid necrosis, followed by massive coagulopathy and hemorrhages in multiple organs. Rabbits often show few clinical signs and die within six to 24 hours after the onset of fever and may have blood visible around the nose from the internal

hemorrhaging. Morbidity rate is often 100%, and the mortality rate is often 60%–90%.

RHD has not been shown to affect people or other mammals.

#### 8. *Leishmaniasis*

Leishmaniasis is a zoonotic disease caused by infection with *Leishmania* parasites, affecting humans, dogs, and other mammals.

Leishmaniasis is most commonly reported in tropical and subtropical regions, including Asia, the Middle East, Africa, southern Europe, South and Central America, and southern Mexico. The disease has also been identified in foxhound populations in the United States and Canada and sporadic cases in other dogs have been reported in the United States.

Infection with *Leishmania* parasites can result in disease ranging from mild cutaneous lesions, a mucocutaneous form, or severe and often fatal visceral leishmaniasis in which internal organs such as the bone marrow, spleen, and liver may be affected. Approximately one million human cases, most with the cutaneous presentation, are reported worldwide annually. The visceral form of leishmaniasis is most often caused by the *Leishmania infantum* parasite in the Americas. The parasite is spread by infected female phlebotomine sandflies which feed on blood. The existence of competent insect vectors for *Leishmania* parasites in the United States has been documented and changing environmental factors may expand the geographic range of vectors in North America. Disease in humans caused by *Leishmania infantum* is reportedly a serious public health problem in those areas where canine leishmaniasis is endemic, and dogs have been implicated as a reservoir of infection, transmitting the parasite to insect vectors when the insects take a blood meal. The importation of infected dogs to an area with competent vectors could lead to the spread of the parasite in animal and human populations.

Treatment may not clear the parasite, and recrudescence may occur. There is no vaccine available to prevent leishmaniasis in humans or other mammals.

#### Order

The Department hereby designates CWD, VHS, EHV-1, *Brucella canis*, Tilapia lake virus, *Streptococcus equi ssp. zooepidemicus (S. zooepidemicus)* in swine, Rabbit Hemorrhagic Disease (RHD), and Leishmaniasis as “dangerous transmissible diseases” under the Domestic Animal Law at 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making such a designation.

This order shall take effect as of January 1, 2022, and upon publication in the *Pennsylvania Bulletin* and shall remain in effect until no later than January 1, 2023. This Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2023, (2) allow this temporary order to expire on January 1, 2023, (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Kevin Brightbill, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 21-2004. Filed for public inspection December 3, 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 November 23, 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

No activity.

#### CREDIT UNIONS

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-2005. Filed for public inspection December 3, 2021, 9:00 a.m.]

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

### APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit [www.dep.pa.gov](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.



- General NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP’s website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice).

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP’s tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice). Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications and NOIs may be reviewed at the DEP office that received the application or NOI. Contact information for each DEP office for Sections I & II is listed as follows. Contact information for Section III is available within the table. Members of the public are encouraged to use DEP’s website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs in Sections I & II and to submit comments for those application and NOIs, when applicable, is as follows:

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES\_SERO@pa.gov.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES\_NERO@pa.gov.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES\_SCRO@pa.gov.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES\_NCRO@pa.gov.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES\_SWRO@pa.gov.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES\_NWRO@pa.gov.*

*DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES\_Permits@pa.gov.*

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

**I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0921829	Joint DEP/PFBC Pesticides Permit	New	Miller Ellen 1543 Sweet Briar Road Ottsville, PA 18942	Bedminster Township Bucks County	SERO
2813826	Joint DEP/PFBC Pesticides Permit	Renewal	Kendig Roy 13387 Upper Strasburg Road Upperstrasburg, PA 17265-9703	Letterkenny Township Franklin County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0033863	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Schuster Robert J Jr 1921 E Main Street Hegins, PA 17938-9143	Hegins Township Schuylkill County	NERO
3693415	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Envigo Global Svcs Inc. 310 Swamp Bridge Road Denver, PA 17517-8723	West Cocalico Township Lancaster County	SCRO
6021402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	New	Hartleton Borough Municipal Authority Union County P.O. Box 31 Hartleton, PA 17829-0031	Hartleton Borough Union County	NCRO
PAG123574	PAG-12 NPDES General Permit for CAFOs	Transfer	Miller Scotty L P.O. Box 512 Elizabethtown, PA 17022-0512	Conoy Township Lancaster County	SCRO
PA0287962	Single Residence STP Individual NPDES Permit	Transfer	Siegler Richard 455 Dutch Road Fairview, PA 16415-1633	Fairview Township Erie County	NWRO
0221403	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Boggs Josh 29 Deer Hollow Lane Tarentum, PA 15084-2800	West Deer Township Allegheny County	SWRO
2519420	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Siegler Richard 455 Dutch Road Fairview, PA 16415-1633	Fairview Township Erie County	NWRO
3321402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Mast John C 41 Accident Alley Reynoldsville, PA 15851-2963	Warsaw Township Jefferson County	NWRO
6321408	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Barsis Rudolph 77 Hickory Road Claysville, PA 15323-1162	East Finley Township Washington County	SWRO
WQG02212103	WQG-02 WQM General Permit	New	Middlesex Township Municipal Authority Cumberland County 350 N Middlesex Road Suite 2 Carlisle, PA 17013-8422	Middlesex Township Cumberland County	SCRO
PAG123826	PAG-12 NPDES General Permit for CAFOs	Renewal	Weaver Garrett 1501 Eshelman Mill Road Willow Street, PA 17584-9550	West Lampeter Township Lancaster County	SCRO
PAG123749	PAG-12 NPDES General Permit for CAFOs	Renewal	Sweigart Kenton L 620 Greider Road Mount Joy, PA 17552-8911	East Donegal Township Lancaster County	SCRO
WQG02222102	WQG-02 WQM General Permit	New	Lower Swatara Township Municipal Authority 1499 Spring Garden Drive Middletown, PA 17057-3271	Lower Swatara Township Dauphin 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.**
*Northeast Regional Office*

**PA0020915**, Sewage, SIC Code 4952, **Pine Grove Joint Treatment Authority**, 115 Mifflin Street, Pine Grove, PA 17963-1300. Facility Name: Pine Grove WWTP. This existing facility is located in Pine Grove Township, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Swatara Creek (CWF/MF), is located in State Water Plan watershed 7-D 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 1.5 MGD.

<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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.75
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	313	500	XXX	25.0	40.0	50.0
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	375	563	XXX	30.0	45.0	60.0
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	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	363	XXX	XXX	29.0	Report Daily Max	XXX
May 1 - Oct 31	120	180	XXX	9.6	14.4	19.2
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	25	37.5	XXX	2.0	3.0	4.0
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Phenolics, Total	Report	XXX	XXX	0.046	Report Daily Max	0.072

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	Avg Qrtly	XXX	XXX	Avg Qrtly	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX
Chloride	Report	XXX	XXX	Avg Qrtly	XXX	XXX
	Avg Qrtly			Report		
				Avg Qrtly		

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Aluminum, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Chesapeake Bay Nutrient Requirements
- POTW Pretreatment Program Development and Implementation
- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

**PA0043885**, Sewage, SIC Code 4952, **Greater Pottsville Area Sewer Authority, Schuylkill County**, 401 N Centre Street, Pottsville, PA 17901-1745. Facility Name: Gr Pottsville Area Sewer Authority Main STP. This existing facility is located in Pottsville City, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to Schuylkill River (CWF, MF), Mill Creek (CWF, MF), Schuylkill River (CWF, MF), and Unnamed Tributary to West Branch Schuylkill River (CWF, MF), is located in State Water Plan watershed 3-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 8.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.32	XXX	0.78
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	1368	2052	XXX	20.0	30.0	40
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	2052	3078	XXX	30.0	45.0	60
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

<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>	
Ammonia-Nitrogen						
Oct 1 - Apr 30	1231	XXX	XXX	18.0	XXX	36
May 1 - Sep 30	410	XXX	XXX	6.0	XXX	12

The proposed effluent limits for Outfall 001 are based on a design flow of 8.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	Report Yearly	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	Report Yearly	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Combined Sewer Overflow Management
- POTW Pretreatment Program Implementation
- Whole Effluent Toxicity (Wet Testing)
- Requirements Applicable to Stormwater Outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

**PA0062634**, Sewage, SIC Code 4952, **Luckenbill Carol**, P.O. Box 280, Friedensburg, PA 17933-0280. Facility Name: Sammys Mobile Home Park (MHP) STP. This existing facility is located in North Manheim Township, **Schuylkill County**.

Description of Existing Activity: The application is for NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Mahonne Creek (CWF, MF), is located in State Water Plan watershed 3-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .007 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .007 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen						
Jan 1 - Apr 30, Nov 1 - 30	Report	Report Daily Max	XXX	19.56	Report Daily Max	XXX
May 1 - Oct 31	Report	Report Daily Max	XXX	6.52	13.04 Daily Max	13.04

The proposed effluent limits for Outfall 001 are based on a design flow of .007 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX
Total Nitrogen	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX
Total Kjeldahl Nitrogen	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX
Total Phosphorus	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX
Aluminum, Total	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Iron, Total	Report	Report	XXX	Report	Report	XXX
Manganese, Total	Annl Avg	Report	XXX	Annl Avg	Report	XXX
E Coli (No./100 ml)	Report	XXX	XXX	Annl Avg	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .007 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 3.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.30	XXX	1.00
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	Report	Report	XXX	25.0	50.0	50.0
Total Suspended Solids	Report	Report	XXX	30.0	60.0	60.0
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
				Geo Mean		

In addition, the permit contains the following major special conditions:

- Stormwater prohibition; Necessary property rights; Residuals management; Planning; Chlorine minimization; Dry stream; SBR discharges; Schedule of Compliance (Ammonia-N); Solids management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Southcentral Regional Office

**PA0055328**, Industrial, SIC Code 4953, **New Morgan Landfill Company, Inc.**, P.O. Box 128, Morgantown, PA 19543-0128. Facility Name: Conestoga Landfill. This existing facility is located in New Morgan Borough, **Berks 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), Conestoga River (WWF), is located in State Water Plan watershed 7-J 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 .075 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Total Phosphorus (Total Load, lbs) (lbs)	XXX	64.0	XXX	XXX	XXX	XXX
		Total Annual				

The proposed effluent limits for Outfall 001 are based on a design flow of .075 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	13.1	26.3	XXX	21	42	53
Total Suspended Solids	16.9	55.0	XXX	27	88	110
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15	XXX	30
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
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	3.1 Report Total Mo	6.3 XXX	XXX XXX	4.9 XXX	10 XXX	12.5 XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Antimony, Total	0.02	0.032	XXX	0.033	0.051	0.081
Arsenic, Total	0.036	0.57	XXX	0.058	0.091	0.146
Boron, Total	5.83	9.1	XXX	9.32	14.5	23.3
Chromium, Hexavalent	Report	Report	XXX	Report	Report	XXX
Copper, Total	0.078	0.14	XXX	0.12	0.23	0.31
Iron, Dissolved	1.09	1.85	XXX	1.75	2.95	4.37
Iron, Total	Report	Report	XXX	Report	Report	XXX
Selenium, Total	0.018	0.028	XXX	0.029	0.045	0.073
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX
Zinc, Total	Report	Report	XXX	0.11	0.20	0.28
Phenol	Report	Report	XXX	0.015	0.026	0.038
a-Terpineol	Report	Report	XXX	0.016	0.033	0.041
Benzoic Acid	Report	Report	XXX	0.071	0.12	0.18
Chloride	Report	XXX	XXX	Report	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX
p-Cresol	Report	Report	XXX	0.014	0.025	0.035

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</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
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Barium, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Organic Carbon	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</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
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Barium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Organic Carbon	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania’s Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	12,500 Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Effluent Net	XXX	64.0 Total Annual	XXX	XXX	XXX	XXX

\*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department’s Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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.

**PA0085529**, Industrial, SIC Code 4941, **Altoona Water Authority**, 900 Chestnut Avenue, Altoona, PA 16601-4617. Facility Name: Altoona City Water System. This existing facility is located in Logan Township, **Blair County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream(s), Mill Run (HQ-CWF), is located in State Water Plan watershed 11-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 .12 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

The proposed effluent limits for Outfall 101 are based on a design flow of <0.12 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	2.1	4.2	XXX	2.1	4.2	5.2
Iron, Total	Report	Daily Max Report	XXX	2.0	4.0	5
Manganese, Total	Report	Daily Max Report	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 101 are based on a design flow of <0.12 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Semi AvG	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Semi Avg	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0026735**, Sewage, SIC Code 4952, **Swatara Township Authority, Dauphin County**, P.O. Box 4920, Harrisburg, PA 17111-0920. Facility Name: Swatara Township STP. This existing facility is located in Swatara Township, **Dauphin 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), Swatara Creek (WWF, MF) is located in State Water Plan watershed 7-D 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 6.3 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>						
Nov 1 - Apr 30	1,313	2,101	XXX	25	40	50
May 1 - Oct 31	998	1,576	XXX	19	30	38
BOD <sub>5</sub>	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	1,576	2,364	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen (Total Load, lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
(Total Load, lbs) Effluent Net	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	900	XXX	XXX	18	XXX	36
May 1 - Oct 31	338	XXX	XXX	6	XXX	12
Ammonia-Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs)	105 Report	XXX XXX	XXX XXX	2.0 XXX	XXX XXX	4 XXX
Total Phosphorus (Total Load, lbs) Effluent Net	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Zinc, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) Effluent Net	XXX	118,339 Total	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs)	XXX	Report Total	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	XXX	Report Total	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) Effluent Net	XXX	15,866 Total	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	XXX	Report Total	XXX	XXX	XXX	XXX
		Annual				

\*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- The permittee is authorized to use 300 lbs/year as Total Nitrogen (TN) offsets toward compliance with the Annual Net TN mass load limitations (Cap Loads)
- Stormwater Prohibition, Approval Contingencies, Solids Management, Restriction on receipt of hauled in waste under certain conditions, WET testing requirements, Stormwater conditions, and Pretreatment program implementation

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.

**PA0028088**, Sewage, SIC Code 4952, **Brown Township Municipal Authority**, 7748 State Route 655, Reedsville, PA 17084-9148. Facility Name: Brown Township S/TP. This existing facility is located in Brown Township, **Mifflin 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), Kishacoquillas Creek (TSF), is located in State Water Plan watershed 12-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .6 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .6 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	125	185	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Raw Sewage Influent						
Total Suspended Solids	150	225	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	70.0	XXX	XXX	14.0	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	Report XXX	XXX XXX	XXX XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Effluent Net	XXX	10,959 Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Effluent Net	XXX	1,461 Total Annual	XXX	XXX	XXX	XXX

\*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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.

**PA0080039 A-1**, Sewage, SIC Code 4952, **Carroll Valley Sewer & Water Authority**, 5685 Fairfield Road, Fairfield, PA 17320-9611. Facility Name: Carroll Valley STP. This existing facility is located in Carroll Valley Borough, **Adams County**.

Description of Existing Activity: The application is for NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to Toms Creek (CWF), is located in State Water Plan watershed 13-D 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 0.14 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Minimum	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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	29.0	46.0	XXX	25.0	40.0	50.0
Total Suspended Solids	35.0	Wkly Avg 52.0	XXX	30.0	45.0	60.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	9.9	XXX	XXX	8.5	XXX	17.0
Nov 1 - Apr 30	29.7	XXX	XXX	25.5	XXX	51.0
Nitrate-Nitrite as N	XXX	Report	XXX	Report	XXX	XXX
		Total		Annl Avg		
Total Nitrogen	XXX	Report	XXX	Report	XXX	XXX
		Total		Annl Avg		
Total Kjeldahl Nitrogen	XXX	Report	XXX	Report	XXX	XXX
		Total		Annl Avg		
Total Phosphorus	XXX	Report	XXX	Report	XXX	XXX
		Total		Annl Avg		
		Annual				

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	52.0	83.0	XXX	25.0	40.0	50.0
Total Suspended Solids	63.0	Wkly Avg 94.0	XXX	30.0	45.0	60
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
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
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen May 1 - Oct 31	17.5	XXX	XXX	8.4	XXX	16.8
Nov 1 - Apr 30	52.5	XXX	XXX	25.0	XXX	50.0

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan for Outfall 001 are based on a design flow of 0.25 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia--N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl--N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	7,306	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0085502**, Sewage, SIC Code 6515, **Deann MHP LLC**, 1015 Dundee Road, Dundee, FL 33838-3101. Facility Name: Deann MHP. This existing facility is located in East Hanover Township, **Dauphin 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), Manada Creek (CWF), is located in State Water Plan watershed 7-D 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 .012 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.06	XXX	0.18
CBOD <sub>5</sub> Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	10	XXX	20
May 1 - Sep 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Stormwater Prohibition, Approval Contingencies, Management of Collected Screenings, Slurries, Sludges and Other Solids, Dry Stream Discharge Condition and Chlorine Minimization

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0247707**, Sewage, SIC Code 6514, **William Bratton**, 275 Guyer Corner Road, New Enterprise, PA 16664-8234. Facility Name: Bratton Residence. This existing facility is located in South Woodbury Township, **Bedford 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 Beaver Creek (HQ-CWF, MF), is located in State Water Plan watershed 11-D and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Annl Avg	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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>	
Total Residual Chlorine (TRC)	XXX	XXX	0.3 Inst Min	XXX	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0267589**, Sewage, SIC Code 4952, **Paula & Terry Harvey**, 166 Hickory Road, Dillsburg, PA 17019-9740. Facility Name: Harvey Residence. This proposed facility is located in Franklin Township, **York 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 North Branch Bermudian Creek (WWF, MF), is located in State Water Plan watershed 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	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Annl Avg	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

*Southeast Regional Office*

**PAI130055**, MS4, **East Nottingham Township, Chester County**, 158 Election Road, Oxford, PA 19363.

The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in East Nottingham Township, **Chester County**. The receiving stream(s), Blackburn Run (TSF, MF), Unnamed Tributary of Tweed Creek (TSF, MF), Unnamed Tributary to Tweed Creek (TSF, MF), Unnamed Tributary to McDonald Run (HQ-TSF, MF), Little Elk Creek (HQ-TSF, MF), Big Elk Creek (HQ-TSF, MF), McDonald Run (HQ-TSF, MF), East Branch Big Elk Creek (HQ-TSF, MF), Unnamed Tributary to Blackburn Run (TSF, MF), Unnamed Tributary to Little Elk Creek (HQ-TSF, MF), Unnamed Tributary to East Branch Big Elk Creek (HQ-TSF, MF), Unnamed Tributary to West Branch Big Elk Creek (HQ-TSF, MF), and West Branch Big Elk Creek (HQ-TSF, MF), is located in State Water Plan watershed 7-K and is classified for Migratory Fishes, Trout Stocking, and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

**PA0029441**, Sewage, SIC Code 4952, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-1209. Facility Name: Upper Dublin WWTP. This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Pine Run (TSF, MF), is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.35 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Quarterly	Daily Maximum	
Cyanide, Free	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.35 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Quarterly	Daily Maximum	
Cyanide, Free	XXX	XXX	XXX	0.0054	0.0084	0.013
Iron, Total	XXX	XXX	XXX	2.0	3.1	5

The proposed effluent limits for Outfall 001 are based on a design flow of 1.35 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	XXX	XXX
Mercury, Total	XXX	XXX	XXX	Daily Max	XXX	XXX
				Report		
Zinc, Total	XXX	XXX	XXX	Daily Max	XXX	XXX
				Report		
Dichlorobromomethane	XXX	XXX	XXX	Daily Max	XXX	XXX
				Report		
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	1.3	XXX	XXX
				Daily Max		
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	1.3	XXX	XXX
				Daily Max		
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	1.3	XXX	XXX
				Daily Max		
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	1.3	XXX	XXX
				Daily Max		



The proposed effluent limits for Outfall 001 are based on a design flow of 1.35 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 7.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.09	XXX	0.3
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	229	339	XXX	25	37	50
May 1 - Oct 31	117	174	XXX	13	19	XXX
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	275	412	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	60	XXX	XXX	6.6	XXX	13.2
May 1 - Oct 31	20	XXX	XXX	2.2	XXX	4.4
Total Phosphorus	18	XXX	XXX	2.0	XXX	4
Orthophosphate						
Apr 1 - Jul 31	13	XXX	XXX	1.4	XXX	2.8
Copper, Total	XXX	XXX	XXX	0.056	0.087	0.13

The proposed effluent limits for Outfall 002 are based on a stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions:

- I. Other Requirements
  - A. No Stormwater
  - B. Property Rights
  - C. Sludge Disposal
  - D. TRC Minimization
  - E. Responsible Operator
  - F. O&M Plan
  - G. Average Weekly Definition
  - H. Small Stream Discharge
  - I. DRBC Fecal Coliform
  - J. TQL Values

## II. POTW Pretreatment Program Implementation

## III. Site-Specific Criteria Study (SSCS)

## IV. 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 484-250-5910.

The EPA Waiver is not in effect.

**PA0244074**, Sewage, SIC Code 6552, **Aqua PA Wastewater Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010. Facility Name: Stony Creek Farms WWTF. This existing facility is located in Worcester Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Stony Creek (TSF, MF), is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.045 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	3.75	XXX	XXX	10	XXX	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	3.75	XXX	XXX	10	XXX	20
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	50	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 50	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	1.13	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	0.56	XXX	XXX	1.5	XXX	3
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	0.19	XXX	XXX	0.5	XXX	1

The proposed effluent limits for Outfall 001 are based on a design flow of 0.045 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

In addition, the permit contains the following major special conditions:

- No stormwater into sewage
- Proper disposal of solids, sludges, slurries, and screenings
- Notification of the designation of the responsible operator
- UV disinfection system operating requirements
- Operation and Maintenance (O & M) Plan
- Fecal coliform monitoring

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0244147**, Sewage, SIC Code 4952, **Wrightstown Township, Bucks County**, 2203 Second Street Pike, Wrightstown, PA 18940. Facility Name: Chapman Corners WWTP. This existing facility is located in Wrightstown Township, **Bucks 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 Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .01545 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	0.67	0.94	XXX	5.0	7.0	10
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	0.67	0.94	XXX	5.0	7.0	10
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	50 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	1.3	XXX	XXX	10.0	XXX	20
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	0.26	XXX	XXX	2.0	XXX	4
May 1 - Oct 31	0.13	XXX	XXX	1.0	XXX	2
Total Phosphorus	0.01	XXX	XXX	0.1	XXX	0.2

In addition, the permit contains the following major special conditions:

- A. No Stormwater
- B. Property Rights
- C. Sludge Disposal
- D. Act 537 Abandon use
- E. Small Stream Discharge
- F. Operator Notification
- G. O&M Plan

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Northcentral Regional Office

**PA0114740**, Industrial, SIC Code 4941, **Aqua Pennsylvania, Inc.**, 204 E Sunbury Street, Shamokin, PA 17872-4826. Facility Name: Roaring Creek Water Treatment Plant. This existing facility is located in Coal Township, **Northumberland 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), South Branch Roaring Creek, is located in State Water Plan watershed 5-E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.131 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Aluminum, Total	XXX	XXX	XXX	1.8	2.81	4.5
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 002 are based on a design flow of 0.131 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	XXX	XXX	XXX	1.80	2.81	4.5
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

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.

*Southwest Regional Office*

**PA0281794**, Concentrated Animal Feeding Operation (CAFO), **Dividing Ridge Farm**, 207 Dividing Ridge Road, Fairhope, PA 15538-2040.

Dividing Ridge Farm has submitted an application for an Individual NPDES permit for a new CAFO known as Dividing Ridge Farm, located in Allegheny Township, **Somerset County**.

The CAFO is situated near Hillegas Run (HQ-CWF, MF) in Watershed 13-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO will be designed to maintain an animal population of approximately 1,546.6 animal equivalent units (AEUs) consisting of 700 Holstein Lactating Cows, 92 Holstein Dry Cows, 490 Heifers 4—24 mo., and 80 Calves 0—4 mo. Liquid manure generated on the operation will be stored in HDPE Lined Lagoon Cell 1, HDPE Lined Lagoon Cell 2, and the Circular Slurry Store. 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 25-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 412-442-4000.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0024252**, Storm Water, SIC Code 4226, 5171, **Sunoco Partners Marketing & Terminals, LP**, 5733 Butler Street, Pittsburgh, PA 15201-2115. Facility Name: Delmont Terminal. This existing facility is located in Salem Township, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of industrial stormwater.

The receiving stream(s), Thorn Run (HQ-CWF) and Unnamed Tributary of Beaver Run (HQ-CWF), are located in State Water Plan watershed 18-B and are 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:—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
		Daily Max				

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are:—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are:—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 201 are:—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	Report	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Report	XXX	0.02	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	30.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	5.0	XXX
Iron, Total	XXX	XXX	XXX	XXX	3.0	XXX
Benzene	XXX	XXX	XXX	XXX	0.0025	XXX
BTEX, Total	XXX	XXX	XXX	XXX	0.25	XXX

The proposed effluent limits for Outfall 301 are:—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	Report	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Report	XXX	0.02	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	30.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	5.0	XXX
Iron, Total	XXX	XXX	XXX	XXX	3.0	XXX
Benzene	XXX	XXX	XXX	XXX	0.0025	XXX
BTEX, Total	XXX	XXX	XXX	XXX	0.25	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.

**PA0253880**, Storm Water, SIC Code 3532, **Swanson Industries, Inc., dba Morgantown Technical Services**, 303 Meadow Ridge Road, Mount Morris, PA 15349-9345. Facility Name: Morgantown Technical Services. This proposed facility is located in Perry Township, **Greene County**.

Description of Proposed Activity: The application is for renewal of an NPDES permit for discharges of treated industrial stormwater.

The receiving stream, Dunkard Creek (WWF), is located in State Water Plan watershed 19-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001—003 are for variable stormwater discharges.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Quarterly	Daily Maximum		Average Quarterly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	70.0	90.0
Aluminum, Total	XXX	XXX	XXX	5.0	10.0	12.5
Iron, Total	XXX	XXX	XXX	3.0	6.0	7.0
Manganese, Total	XXX	XXX	XXX	2.0	4.0	5.0

In addition, the permit contains the following major special conditions: requirements for stormwater management and benchmark monitoring.

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.

**PA0001627—A2**, Industrial, SIC Code 4911, **GenOn Power Midwest, LP**, P.O. Box 65, Cheswick, PA 15024-0065. Facility Name: GenOn Power Midwest LP, Former Cheswick Generating Station. This existing facility is located in Springdale Borough, **Allegheny County**.

Description of Existing Activity: The application is for an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream(s), Little Deer Creek (TSF), Allegheny River (WWF), and Tawney Run (WWF), is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 003 are based on a design flow of 376 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	XXX	XXX	0.2
Temperature (°F)	XXX	XXX	XXX	Report	Report	XXX
Industrial Influent	XXX	XXX	XXX	Report	Report	XXX
Heat Rejection Rate (MBTUs/hr)	Report	2,960	XXX	XXX	XXX	XXX
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX	Report	Report	XXX
Arsenic, Total	Report	Report	XXX	Report	Report	XXX
Boron, Total	780.6	1,217.8	XXX	520.0	811.0	1300
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Mercury, Total	Report	Report	XXX	Report	Report	XXX
Selenium, Total	Report	Report	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.85 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 103 are based on a design flow of 0.4 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15.0 Avg Qrtly	20.0	XXX

The proposed effluent limits for Outfall 103 are based on a design flow of 0.4 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX

The proposed effluent limits for Outfall 203 are based on a design flow of 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX

The proposed effluent limits for Outfall 203 are based on a design flow of 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15.0 Avg Qrtly	20.0	XXX

The proposed effluent limits for Outfall 303 are based on a design flow of 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15.0 Avg Qrtly	20.0	XXX

The proposed effluent limits for Outfall 303 are based on a design flow of 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX

The proposed effluent limits for Outfall 403 are based on a design flow of 1.23 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 Suspended Solids	XXX	XXX	XXX	XXX	XXX	50.0

The proposed effluent limits for Outfall 503 are based on a design flow of 0.18 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	10.0	20.0	25
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Nitrate-Nitrite as N	Report	Report	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total	Report	Report	XXX	Report	Report	XXX
Beryllium, Total	XXX	XXX	XXX	0.8	1.6	2
Boron, Total	Report	Report	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium III, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	0.1	0.2	0.25
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	0.1	0.2	0.25
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Mercury, Total	Report	Report	XXX	0.004	0.008	0.01
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	Report	Report	XXX	Report	Report	XXX
Selenium, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	0.1	0.2	0.25
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 603 are based on a design flow of 3.22 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX

The proposed effluent limits for Outfall 603 are based on a design flow of 3.22 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15.0 Avg Qrtly	20.0	XXX

The proposed effluent limits for Outfall 803 are based on a design flow of 5.35 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

In addition, the permit contains the following major special conditions:

- Chemical Additives
- Toxics Reduction Evaluation (TRE)
- 316(a) Thermal Variance
- Cooling Water Intake Structures

The discharge at Internal Monitoring Points 203 and 303 will be subject to the effluent limitation guidelines (ELGs) for Best Available Technology (BAT) at 40 CFR 423.13(k)(1)(i) starting December 31, 2023 for bottom ash transport water. In the event the U.S. Environmental Protection Agency (EPA) publishes notice of the rescission, revocation, or modification of Effluent Limitation Guidelines (ELGs) at 40 CFR 423.13(k) prior to December 31, 2023, the permittee may submit to the Department an application for a major amendment to this permit to revise the effluent limitations and/or schedule of compliance.



The discharge at Internal Monitoring Point 503 will be subject to the ELGs for Best Available Technology (BAT) at 40 CFR 423.13(g)(1)(i) starting December 31, 2023 for flue gas desulfurization (FGD) wastewater. In the event EPA publishes notice of the modification of the ELGs at 40 CFR 423.13(g) prior to December 31, 2023, the permittee may submit to DEP an application for major amendment to this permit to revise the effluent limitations and/or schedule of compliance.

The discharge at Outfall 003 is subject to thermal effluent limits based on criteria for Warm Water Fisheries outlined in 25 Pa. Code § 93.7. The permittee has submitted a request under section 316(a) of the Clean Water Act (CWA) for less stringent effluent limits. The thermal effluent limits imposed on the discharge at Outfall 003 will be a Heat Rejection Rate of 2960 MBTUs/hr.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

**PA0038164**, Sewage, SIC Code 4952, **Confluence Borough Municipal Authority**, P.O. Box 6, Confluence, PA 15424-0006. Facility Name: Confluence Borough STP. This existing facility is located in Confluence 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), Youghiogheny River (HQ-CWF), is located in State Water Plan watershed 19-E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.137 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.137 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	0.137	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	28.5	42.8	XXX	25	38	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Raw Sewage Influent Total Suspended Solids	34.3	51.4	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Report Avg Qrtly	Report Daily Max	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions:

- Optimization of chlorine dosage
- Notification of designation of responsible operator
- Hauled-in waste restriction
- Solids management for non-lagoon system

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.

**PA0217042**, Sewage, SIC Code 4952, **PA Game Commission**, 4820 Route 711, Bolivar, PA 15923-2420. Facility Name: PA Game Commission STP. This existing facility is located in Fairfield Township, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary of Hendricks Creek (TSF), is located in State Water Plan watershed 18-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum Daily	
Flow (MGD)	0.002	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (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
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	24.0	XXX	48.0
May 1 - Oct 31	XXX	XXX	XXX	8.0	XXX	16.0
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	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.

**PA0254720**, Storm Water, SIC Code 3273, **Marcon Bldg Supply, Inc.**, P.O. Box 37, Markleysburg, PA 15459-0037. Facility Name: Marcon Bldg Supply Hopwood Plant. This existing facility is located in North Union Township, **Fayette County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial stormwater.

The receiving stream(s), Unnamed Tributary to Redstone Creek (WWF), is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	Inst Min XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

In addition, the permit contains the following major special conditions:

- Best Management Practices for Ready-Mix Concrete sites.

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.

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### III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

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<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD230012 A-14	Amendment	City of Philadelphia Division of Aviation (DOA) Terminal D-E Philadelphia International Airport Third Floor Philadelphia, PA 19153	Tinicum Township Delaware County	SERO
PAD510212	New	Penrose Property Investor Ryan Smith 6800 Bishop Road Plano, TX 75024	City of Philadelphia Philadelphia County	SERO
PAD460069 A-1	Amendment	Pennsylvania Turnpike Commission Gary Graham 700 S. Eisenhower Blvd. Middletown, PA 17057	Lower Salford Township Franconia Township Salford Township Montgomery County	SERO
PAD090080	New	Heritage Senior Living, LLC 765 Skippack Pike Suite 300 Blue Bell, PA 19422-1743	Solebury Township Bucks County	SERO
PAD510213	Amend	Philadelphia Water Department 1101 Market Street Philadelphia, PA 19107	City of Philadelphia Philadelphia County	SERO
PAD360078	New	KGH Development 120 North Pointe Boulevard Lancaster, PA 17601	Mount Joy Township Lancaster County	SCRO
PAD010012	New	Pine Cone Properties, LLC 1601 Lindsay Lot Road Shippensburg, PA 17257	Menallen Township Adams County	SCRO
PAD620004	New	Columbia Gas of Pennsylvania Inc. 4000 Energy Drive Bridgeville, PA 15017	Sheffield Township Warren County	NWRO

### 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, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**Permit No. 1321504, Construction Permit, Public Water Supply.**

Applicant **Wen-Lehighton, LLC**  
P.O. Box 1158  
Marshalls Creek, PA 18335

Municipality Mahoning Township

County **Carbon**

Type of Facility Public Water Supply

Consulting Engineer Thomas G. Puller, P.E.  
Earthres Group, Inc.  
6912 Old Easton Road  
Pipersville, PA 18947

Permit to Construct Issued November 17, 2021

Description of Action New water softening unit for Wendy's Lehighton Restaurant.

**Permit No. 3390024, Operation Permit, Public Water Supply.**

Applicant **Lehigh County Authority**  
1300 Martin Luther King, Jr.  
Drive  
Allentown, PA 18102

Municipality Allentown City

County **Lehigh**

Type of Facility Public Water Supply  
16th Ward Tank Renovation

Consultant Timothy Carlson  
Water Plant Manager  
Lehigh County Authority  
1300 Martin Luther King, Jr.  
Drive  
Allentown, PA 18102

Permit Issued September 16, 2021

**Permit No. 3390024, Operation Permit, Public Water Supply.**

Applicant **Lehigh County Authority**  
1300 Martin Luther King, Jr.  
Drive  
Allentown, PA 18102

Municipality Allentown City

County **Lehigh**

Type of Facility Public Water Supply  
19th Ward Tank Renovation

Consultant Timothy Carlson  
Water Plant Manager  
Lehigh County Authority  
1300 Martin Luther King, Jr.  
Drive  
Allentown, PA 18102

Permit Issued November 5, 2021

**Permit No. 3480032, Operations Permit, Public Water Supply.**

Applicant **Walnutport Authority (Well 5 Media Replacement Project)**  
417 Lincoln Avenue  
Walnutport, PA 18088

Borough Walnutport Borough

County **Northampton**

Type of Facility PWS

Consulting Engineer Jamie D. Lorah, P.E.  
Spotts, Stevens & McCoy  
1605 N. Cedar Crest Blvd.  
Suite 106  
Allentown, PA 18104

Permit to Operate Issued November 8, 2021

*Northwest Region: Safe Drinking Water Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 3721502, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Township Neshannock Township

County **Lawrence**

Responsible Official Bruce Aiton  
852 Wesley Drive  
Mechanicsburg, PA 17055

Type of Facility New Castle WTP

Consulting Engineer David E. Highfield, P.E.  
Buchart Horn, Inc.  
2009 North Atherton St.  
Suite 200  
State College, PA 16803

Application Received Date November 3, 2021

Description of Action LT2 improvements at New Castle WTP including an additional filter and UV system.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995  
PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to

Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.*

**200 West State Street**, 200 West State Street, Doylestown, PA 18901, Doylestown Borough, **Bucks County**. John Filoon, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Larry Thomson, Kola, LLC, 16 North Franklin Street, Suite 111, Doylestown, PA 18901 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with gasoline and No. 2 fuel oil. Future use of the site is anticipated to continue to be commercial. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *The Intelligencer* on October 13, 2021.

**2201 Hunter Road (Proposed Lot A and Proposed Lot C)**, 2201 Hunter Road, Bristol, PA 19007, Bristol Borough, **Bucks County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Seppi Coloredo-Mansfeld, Cabot Properties, Inc., One Beacon Street, Suite 2800, Boston, MA 02108 submitted a Notice

of Intent to Remediate. Soil at the site has been impacted with TCL VOCs, TCL SVOCs, PCBs, pesticides, herbicides, and TAL metals. The subject property is currently vacant and is proposed for redevelopment to include the construction of a commercial/light industrial warehouse building. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Lower Bucks Times* on October 28, 2021.

**Audi West Chester**, 1421 Wilmington Pike, West Chester, PA 19383, Chadds Ford Township, **Delaware County**. Michael Potts, Terraphase Engineering Inc., 100 Canal Pointe Boulevard, Suite 108, Princeton, NJ 08540 on behalf of Michael Brairton, West Chester A, LLC, 1421 Wilmington Pike, West Chester, PA 19382 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 heating oil. The property is now operated by Audi West Chester as a car dealership and service center. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The MediaNews Group* on October 20, 2021.

**1501 South 25th Street**, 1501 South 25th Street, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. Scott Smith, EnviroSure Inc., 319 South High Street, West Chester, PA 19380 on behalf of Mike Lagoudakis, Knossos Development, LLC, 2035 Chatham Drive, Bensalem, PA 19020 submitted a Notice of Intent to Remediate. Soil at the site has been impacted by the release of benzo(a)anthracene, benzo(a)pyrene, benzo(b)-fluoranthene and lead. The property is currently slated for residential redevelopment, consisting of condominiums and fee simple residential homes. Remaining portions of the site will be redeveloped as parking lots, concrete walkways, and grass/landscaped areas. The Notice of Intent to Remediate was published in *The Metro Philadelphia* newspaper on October 11, 2021.

**1399 Piedmont Drive**, 1399 Piedmont Drive, Downingtown, PA 19335, West Bradford Township, **Chester County**. Christopher Zeliznak, PG, EnviroSure, Inc., 319 South High Street, First Floor, West Chester, PA 19382 on behalf of Virginia Feathers, 1399 Piedmont Drive, Downingtown, PA 19335 submitted a Notice of Intent to Remediate. Soil at the site has been found to be contaminated with No. 2 heating oil. The site will be addressed under the Statewide health standard for soil. The proposed future use of the property is residential. The Notice of Intent to Remediate was published in *The Daily Local* on October 8, 2021.

**6800 Essington Avenue**, 6800 Essington Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Julie Baniewicz, Apex Companies, LLC, 100 Arrandale Boulevard, Suite 203, Exton, PA 19153 on behalf of Liam Sullivan, 6800 Essington Partners, LLC, 414 South 16th Street, Suite 100, Philadelphia, PA 19146 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with benzene, ethylbenzene, methylene chloride, MTBE, 1,2,4-TMB, tetrachloroethene, benzo(a)pyrene, arsenic, lead, benzo(b)-fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, and benzo(a)pyrene, which have contaminated soil and groundwater. The proposed cleanup standard for the site is the site-specific standard. The future use of the property is unknown at the time but will likely remain nonresidential/commercial. The Notice of Intent to Remediate was published in *The Metro* on October 20, 2021.

**2911 Edgemont Avenue**, 2911 Edgemont Avenue, Parkside, PA 19015, Parkside Borough, **Delaware County**.

Brian Donoghue, Comstock Environmental, 806 Fayette Street, Conshohocken, PA 19428 on behalf of Keith Shooster, Shooster Brothers, 257 North State Road, Springfield, PA 19064 submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been found to be contaminated with BTEX, cumene, naphthalene, MTBE, 1,2,4-TMB, 1,3,5-TMB, 1,2-dichloroethane, 1,2-dibromoethane, and lead. The intended future use is the same as the current use, an auto repair facility. The proposed cleanup standard for the site is the site-specific standard/Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Times* on October 20, 2021.

*Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**LVR**, 75 West 21st Street, Northampton, PA 18067, Northampton Borough, **Northampton County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of LVR, 75 West 21st Street, Northampton, PA 18067, submitted a Notice of Intent to Remediate. Soil was contaminated by releases of petroleum from underground storage tanks. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *the Morning Call* on October 19, 2021.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application for Determination of Applicability Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904); and 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.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

**General Permit Application No. WMGR081SE013. Universal Waste Solutions, LLC**, Building B, 4301 North Delaware Avenue, Philadelphia, PA 19137-1938. This permit is for the determination of applicability (DOA) under General Permit No. WMGR081SE013 to store electronic waste prior to reuse or recycle at Universal Waste Solutions Facility to be located at 4301 North Delaware Avenue, Philadelphia, PA 19137, in the City of Philadelphia, **Philadelphia County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on October 18, 2021.

Comments concerning the application should be directed to the Pennsylvania Department of Environmental Protection (DEP) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania Hamilton Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001–4015), 25 Pa. Code Chapters 121–145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401–7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00041: Graphic Packaging International, Inc.,** 1035 Longford Road, Phoenixville, PA 19460, located in Upper Providence Township, **Montgomery County**. This action is a renewal of the Title V Operating Permit; the current permit will expire on March 14, 2021. The facility's major emission points include printing presses containing Volatile Organic Compounds (VOCs). The facility is an area source for Hazardous Air Pollutants (HAP). The facility responsible official and permit contact have been updated. Source ID 205 (Lithographic Printing Press No. 7) has been removed from the plant and the permit; the diesel emergency generator (Source ID 741) has been replaced with a natural gas emergency generator (Source ID 742). The requirements of 40 CFR Part 60 Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines) apply to the spark ignition engine. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64 because there are no control devices on sources at this facility. The source is not a major source for Greenhouse Gases (GHG).

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

**46-00060: PA DHS—Norristown State Hospital,** 1001 East Sterigere Street, Norristown, PA 19401, located in Norristown Borough, East Norriton Township, and West Norriton Township, **Montgomery County**, for a renewal of Title V Operating Permit (TVOP) No. 46-00060 for the long-term psychiatric facility. The facility's air emissions sources consist of three natural gas/No. 2 fuel oil-fired boilers and eight emergency generator sets (five permanent, three trailer-mounted; each equipped with a diesel fuel-fired, stationary, reciprocating internal combustion engine).

The facility is subject to a site-level nitrogen oxide (NO<sub>x</sub>) emission rate restriction of less than 25 tons/yr (calculated monthly as a 12-month rolling sum). In addition, seven of the emergency generator sets are equipped with plan approval-exempt ICE that are subject to combined NO<sub>x</sub> emission rate restrictions of less than 100 lbs/hr, 1,000 lbs/day, 2.75 tons/ozone season, and 6.6 tons/yr (calculated monthly as a 12-month rolling sum).

The boilers are subject to NO<sub>x</sub> emission concentration restrictions of less than or equal to 30 ppmv, dry basis, corrected to 3% oxygen (O<sub>2</sub>), when consuming natural gas, and 90 ppmv, dry basis, corrected to 3% O<sub>2</sub>, when

consuming No. 2 fuel oil, as well as a carbon monoxide (CO) emission concentration restriction of less than or equal to 300 ppmv, dry basis, corrected to 3% O<sub>2</sub>.

The only changes that have occurred at the facility since DEP last renewed the TVOP in June 2015 are the removal of six permanent emergency generator sets and the installation of the three trailer-mounted emergency generator sets.

The boilers are subject to the provisions of 40 CFR Part 60, Subpart Dc, for small industrial-commercial-institutional steam generating units. The boilers are not subject to the provisions of 40 CFR Part 63, Subpart JJJJJJ, for industrial, commercial, and institutional boilers (hazardous air pollutant [HAP]) area sources, based on meeting the definition of the term "gas-fired boiler" in 40 CFR 63.11237.

Six of the seven plan approval-exempt engines (four permanent, two trailer-mounted) are subject to the provisions of 40 CFR Part 60, Subpart IIII, for stationary compression ignition internal combustion engines. The other two engines (one permanent, one trailer-mounted) are not subject to the provisions of 40 CFR Part 63, Subpart ZZZZ, for stationary reciprocating internal combustion engines, based on meeting the criteria for institutional emergency engines in 40 CFR 63.6585(f)(3).

The TVOP renewal will contain monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**36-05001: Armstrong World Industries, Inc.,** 1507 River Road, Marietta, PA 17547-9403, to issue a Title V Operating Permit for their residential and commercial ceiling tile manufacturing plant in East Donegal Township, **Lancaster County**. Actual emissions from the facility in 2020 were reported to be 1,037.10 tons CO, 61.63 tons NO<sub>x</sub>, 34.09 tons PM<sub>10</sub>, 34.09 tons PM<sub>2.5</sub>, 0.37 ton SO<sub>x</sub>, 143.84 tons VOC, 33.07 tons of a single HAP (formaldehyde), and 34.18 tons of combined HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.52 and 129.63, 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers and Process Heaters, 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 63, Subpart HHHHH—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing, 40 CFR 60, Subpart UUU—Standards of Performance for

Calciners and Dryers in Mineral Industries and 40 CFR 63, Subpart CCCCCC—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-454.*

*Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) has intent to issue a renewal and modification of Title V/State Operating Permit for the following facility:

**Title V Operating Permit OP21-000064 (TVOP): Philadelphia Energy Solutions Refining and Marketing LLC (PESRM), 70th & Essington Avenue, Philadelphia, PA 19145, City of Philadelphia, Philadelphia County,** for modification and renewal of the existing TVOP. PESRM is the owner and operator and is responsible for air quality compliance for the equipment in operation under the TVOP. From June 26, 2020 through November 30, 2021, Host at Philadelphia, LLC (Host) was the operator of the terminal.

Host and PESRM submitted applications to the City of Philadelphia—Air Management Services (AMS) to modify and renew the facility's existing TVOP. The basic thrust of the request to modify the TVOP was to update the TVOP to reflect the more recent operations and to formally incorporate air permits related to some storage tanks, marine loading, and railcar loading/unloading process from PESRM TVOP. These proposed changes include the following:

- Renewing the TVOP;
- Transferring some storage tanks, marine loading, and railcar loading/unloading process from PESRM TVOP, thereby formally incorporating air permits related to the Girard Point Docks, Point Breeze Docks, the North and South Rail Yards and pipelines into the SRTF TVOP (these operations were previously associated with the Title V permit for the former refinery (Title V Operating Permit No. V06-016);
- Updating the Facility Inventory List;
- Updating Permit contacts and responsible official of the facility;
- Updating product descriptions;
- Updating LDAR requirements to remove references to the refinery LDAR program;
- Group 2 transfer rack requirements update;
- Updating conditions superseded by RACT Plan Approval IP16-000269;
- Removing references to Global Consent Decree No. 05-02866 for any former refinery units, and
- Removing reference to shutdown units.

The facility's current air emission sources that will continue to be subject to the TVOP include the following:

- At the SRTF facility:
  - Two (2) external floater storage tanks with capacities greater than 40 million gallons
  - Twenty-Three (23) internal floating storage tanks, each with a capacity greater than 40 million gallons
  - Seventeen (17) Petroleum Liquids Storage Tanks
  - Equipment VOC Leak Components
  - SR-05 Oil/Water Separator

- One (1) Flare
- Butane truck loading/unloading
- Propane truck loading
- Compressors
- Internal Combustion Engines (firewater)
  - Insignificant sources (distillate/heavy oil storage tanks, gasoline engines, red dye tank)
- Terminal Operations at Former Refinery that will be subject to this TVOP\*:
  - Seven (7) internal floating storage tanks, each with a capacity greater than 40 million gallons;
  - Marine loading
    - Girard Point barge loading with thermal oxidizer
    - Point Breeze barge loading of liquid petroleum less than 4.0 psi Reid vapor pressure
  - Butane railcar loading/unloading
  - Insignificant sources (petroleum liquids less than 1.5 psi Reid vapor pressure storage tanks)

\*There are additional emissions sources at the Former Refinery that will continue to be subject to TVOP OP20-000052.

The TVOP will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. The public can find copies of the plan approval application, draft plan approval, and supporting materials at the following locations:

- AMS Web Site, Air Management Services Notices Section: <http://www.phila.gov/departments/air-pollution-control-board/air-management-notices>.
- Air Managements Services, 321 University Ave. (the corner of University Ave. and Curie Blvd.), 2 Floor, Philadelphia, PA 19104. Please contact AMS at 215-685-7572 to schedule an appointment.

Persons wishing to file protest, comments, or request a public hearing on the previously listed TVOP must submit the protest, comments, or public hearing request within 30-days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the TVOP or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Managements Services, 321 University Ave., Philadelphia, PA 19104 or e-mailed to [DPHAMS\\_Service\\_Requests@phila.gov](mailto:DPHAMS_Service_Requests@phila.gov) with "PES OP21-000064" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail.

If requested, AMS will hold a public hearing to accept public comments on January 12, 2022; it is expected to be held on a virtual platform if requested. AMS will publish if the public hearing will be held and, if held, the login details at <http://www.phila.gov/departments/air-pollution-control-board/air-management-notices>. Persons with a disability who desire to attend the meeting and require an auxiliary aid, service, or other accommodation to participate in the proceedings should contact the AMS Source Registration Unit at (215) 685-7572 to discuss how AMS may accommodate their needs.



**Title V Operating Permit OP20-000052 (TVOP): Philadelphia Energy Solutions Refining and Marketing LLC (PESRM)**, 3144 Passyunk Avenue, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**, for modification and renewal of the existing TVOP. While PESRM remains the owner of the former refinery, NorthStar is the operator and is responsible for air quality compliance for the remaining equipment currently in operation under the TVOP.

PESRM submitted applications to the City of Philadelphia—Air Management Services (AMS) to modify and renew the facility's existing TVOP. The applications include many proposed changes to the TVOP to reflect the current operations and reduce the number of permitted emission sources. These proposed changes include the following:

- Update facility Inventory List.
- Changing the Standard Industrial Classification (SIC) Code for the facility. The application proposes changing this code from 2911 (Petroleum Refining) to 1795 (Wrecking and Demolition Work) since there is no longer any refining at the facility.
- Removing all shutdown equipment from the TVOP. This includes all refining process equipment.
- Removing all air pollution requirements that are no longer applicable to the facility due to the shutdown of processes and ceasing of refining operations.
- Removing some storage tanks, marine loading, and railcar loading/unloading process from the TVOP. These units will be owned and operated by the adjacent Tank Farm and will be added to its TVOP as part of a permit modification.
- Removing Consent Decree related requirements from the TVOP after its termination.
- Incorporating plan approvals and IPs into the PESRM TVOP.
- Updating Non-Applicable Requirements.

The facility's current air emission sources subject to the TVOP include the following:

- Twelve (12) external floater storage tanks with capacities greater than 40 million gallons;
- Five (5) internal floating storage tanks, each with a capacity 40 million gallons;
- Seventeen (17) Petroleum Liquids Storage Tanks;
- Degreasing Vats, wastewater, emergency generator and fire pump, internal combustion engines; and
- Equipment VOC Leak Components.

The TVOP will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. The public can find copies of the plan approval application, draft plan approval, and supporting materials at the following locations:

- AMS Web Site, Air Management Services Notices Section: <http://www.phila.gov/departments/air-pollution-control-board/air-management-notice>.
- Air Managements Services, 321 University Ave. (the corner of University Ave. and Curie Blvd.), 2nd Floor, Philadelphia, PA 19104. Please contact AMS at 215-685-7572 to schedule an appointment.

Persons wishing to file protest, comments, or request a public hearing on the previously listed TVOP must submit the protest, comments, or public hearing request

within 30-days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the TVOP or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Managements Services, 321 University Ave., Philadelphia, PA 19104 or e-mailed to [DPHAMS\\_Service\\_Requests@phila.gov](mailto:DPHAMS_Service_Requests@phila.gov) with "PES OP20-000052" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail.

If requested, AMS will hold a public hearing to accept public comments on January 12, 2022; it is expected to be held on a virtual platform if requested. AMS will publish if the public hearing will be held and, if held, the login details at <http://www.phila.gov/departments/air-pollution-control-board/air-management-notice>. Persons with a disability who desire to attend the meeting and require an auxiliary aid, service, or other accommodation to participate in the proceedings should contact the AMS Source Registration Unit at (215) 685-7572 to discuss how AMS may accommodate their needs.

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**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00110: Riverside Construction Materials, Inc.**, 7900 North Radcliffe Street, Bristol, PA 19007, is a non-Title V facility located in Bristol Township, **Bucks County**. The Natural Minor Operating Permit No. 09-00110 shall be renewed for the continued operation of their cement and bulk material handling processes. Sources include a pneumatic unloading system, several storage domes, a bulk material handling system, a couple load-out stations, and a 300-kW emergency generator. The following are potential emissions from the site: NO<sub>x</sub>—1.08 TPY; SO<sub>x</sub>—0.24 TPY; PM—22.91 TPY; CO—0.07 TPY; VOC—0.01 TPY; and HAP—0.01 TPY. The Natural Minor Operating Permit will continue to contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at [RA-EPSEROPUBCOM@pa.gov](mailto:RA-EPSEROPUBCOM@pa.gov).

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**22-03046: Pennsy Supply, Inc.**, P.O. Box 3331, Harrisburg, PA 17105, to issue a renewal of the State-Only Operating Permit for the stone crushing operations at the Fiddler's Elbow North Quarry in Lower Swatara Township, **Lancaster County**. The facility's potential-to-emit PM is approximately 17.7 tpy. The Operating Permit will

include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants

**67-03041: County Line Quarry Inc.**, P.O. Box 99, Wrightsville, PA 17368, to issue a State Only Operating Permit for the stone quarry located in Wrightsville Borough, **York County**. The potential emissions from the facility are estimated at 19.8 tpy  $PM_{10}$  and 19.8 tpy  $PM_{2.5}$ . The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

**67-03115: Garrod Hydraulics, Inc.**, 1050 Locust Point Rd, York, PA 17406, to issue a State Only Operating Permit renewal for hydraulic cylinder manufacturing and service plant located in E. Manchester Township, **York County**. The primary emissions from the facility are the controlled hexavalent chromium from hard chrome plating tanks. The Operating Permit will include emission standards, testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Among other items the conditions include Federal regulations for chromium electroplating, subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks.

**67-05142: Johnson Controls, Inc.**, 100 JCI Way, York, PA 17406, to issue a State Only Operating Permit for the HVAC manufacturing facility located in East Manchester Township, **York County**. The potential emissions from the facility are calculated to be 3.10 tpy  $NO_x$ , 1.99 tpy CO, 0.08 tpy  $SO_x$ , 1.19 tpy  $PM_{10}/PM_{2.5}$ , 0.04 tpy HAP and 18.44 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52d Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings and 40 CFR Part 60, Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**49-00066: Elysburg GD, LLC (dba Great Dane Trailers)**, 207 Progress Road, Elysburg, PA 17824, to issue a State Only (Synthetic Minor) Operating Permit for their Elysburg Plant located in Ralpho Township, **Northumberland County**. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 49-00066. The facility manufactures and finishes truck trailers. The facility's main sources include three surface coating spray booths, associated cleanup operations, assembly lines, a 0.465 MMBtu/hr natural gas-fired

surface coating curing oven, a shot blast operation, and various welding machines and combustion sources. The facility has potential emissions of 9.50 TPY of CO; 11.30 TPY of  $NO_x$ ; 0.07 TPY of  $SO_x$ ; 1.48 TPY of PM; <50 TPY of VOCs; 8.20 TPY HAPs; 13,593 TPY  $CO_2e$ . The surface coating and associated cleanup operations are subject to 25 Pa. Code § 129.52d. The assembly line bonding operations are subject to 25 Pa. Code § 129.77. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. 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.

**49-00040: Reagent Chemical & Research, Inc.**, 145 Happy Hollow Road, Coal Township, PA 17866, to issue a State Only Operating Permit for their facility located in Coal Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00040. The facility's sources include a 2.5 million Btu per hour hot oil heater, a bulk limestone and feed system, a biodegradable skeet target production line, a pitch skeet target production line and two parts washers. The facility has potential emissions of 1.07 tons per year of nitrogen oxides, 0.91 ton per year of carbon monoxide, 11.02 tons per year of volatile organic compounds, 0.01 ton per year of sulfur oxides and 4.47 tons per year of particulate matter. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.3636.

**60-00020: Pik-Rite, Inc.**, 60 Pik Rite Lane, Lewisburg, PA 17837, to issue a State Only Operating Permit for their facility located in Buffalo Township, **Union County**. The facility is currently operating under State Only Operating Permit 60-00020. The facility's sources include a surface coating operation, an abrasive blasting operation and an adhesive operation. The facility has potential emissions of 1.71 tons per year of nitrogen oxides, 1.44 tons per year of carbon monoxide, 23.25 tons per year of volatile organic compounds, 0.01 ton per year of sulfur oxides, 15.58 tons per year of particulate matter and 4.31 tons of volatile hazardous air pollutants. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during

normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.3636.

**17-00076: Sensus USA, Inc.**, 805 Liberty Boulevard, DuBois, PA 15801, for the State Only Operating Permit authorization for their Dock Street facility (Plant # 2) in City of DuBois, **Clearfield County**. The sources for the facility are comprised of the new misc. metal parts surface coating operation (Source ID P001), parts assembly (Source ID P002), multiple degreasing operations including Sources ID P003, P004 and P006, a natural gas fired emergency generator engine (Source ID P005) and various small combustion sources fired on natural gas (Sources ID 001). The overspray emissions from parts finishing are controlled by spray booth panel filters maintained and operated in accordance with good air pollution control practices. The type and quantity of pollutants emitted on a facility-wide potential (actual) emissions basis are provided, as follows: 0.39 tpy of PM<sub>10</sub> (and PM<sub>2.5</sub>); 0.05 tpy of SO<sub>x</sub>; 4.44 tpy of NO<sub>x</sub>; 3.74 tpy of CO; 3.19 tpy of VOC; and 1.53 TPY of HAP and 5,260 tpy CO<sub>2</sub> approximately, based on the information provided to the Department. The project approved by RFD increased the existing source totals above the operating permit thresholds. In addition, conditions to limit VOC and HAP emissions according to the RFD approved for the facility, the operating permit includes recordkeeping to verify compliance. The vapor degreasers at the facility is subject to Chapter 129 requirements as applicable. The permit incorporates all applicable requirements to the sources at facility including appropriate testing, monitoring, record keeping, reporting and work practice conditions to verify compliance. These are derived from 25 Pa. Code Chapters 121 and 145, (relating to Air Resources). All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**18-00025: Moriarty Funeral Home & Crematory**, 112 East Church Street, Lock Haven, PA 17745, to issue a State Only Operating Permit for their facility located in Lock Haven, **Clinton County**. The facility is currently operating under State Only Operating Permit 18-00025. The facility's source is a human crematorium. The facility has potential emissions of 0.64 ton per year of nitrogen oxides, 0.54 ton per year of carbon monoxide, 0.04 ton per year of volatile organic compounds, 0.01 ton per year of sulfur oxides and 0.05 ton per year of particulate matter. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.3636.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**04-00065: WHEMCO—Steel Casting, Inc.**, 1 12th St., Midland, PA 15059-1645. In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) intends to issue an Air Quality Synthetic Minor State Only Operating Permit (SOOP) renewal to Whemco to authorize the operation of a facility located in in Midland, **Beaver County**.

The foundry produces carbon and alloy steel primarily for making rolling mill rolls, slag pots and heavy custom castings for steel making industry. The facility currently consists of an electric arc furnace, coreless induction furnaces (20), annealing furnaces (20), heat-treating activities, ladle heater, shot blasting operations, torch burning operations, scrap burning and various emissions control units. This is a synthetic minor facility and the permit includes emission limits. Actual facility-wide reported emissions for 2021 were 3.49 tpy of PM<sub>10</sub>, 6.42 tpy of NO<sub>x</sub>, 4.046 tpy of VOCs, and 1.39 tpy of CO.

The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145, the Area MACT for Iron and Steel Foundries as established under 40 CFR Part 63, Subpart ZZZZZ and the NSPS of 40 CFR Part 60, Subpart AA, Standards of Performance for Steel Plants.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (04-00065) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Whemco State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Whemco State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Operating Permit for this facility, a person may contact Noor Nahar at [nahar@pa.gov](mailto:nahar@pa.gov) or 412.442.5225.

All comments must be received prior to the close of business 30-days after the date of this publication.

**04-00693: Littell Steel Company**, 220 Brady St., New Brighton, PA 15066-3109, for the operation of a structural steel manufacturing facility in Bridgewater Borough, **Beaver County**. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated at 25.46 tpy PM, 9.27 tpy NO<sub>x</sub>, 18.87 tpy VOC, 15.63 tpy HAPs and less than 1 tpy CO and SO<sub>2</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the

proposed operating permit or a condition thereof by submitting the information to Tom Joseph, P.E., Air Quality Engineering Manager, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 63-00400) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

**04-00731: US Electrofused Minerals/Beaver Co. Ind. Park**, 600 Steel St., Aliquippa, PA 15001-5414. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a natural minor State Only Operating Permit for the operation of an aluminum oxide processing operation located in Aliquippa City, **Beaver County**.

US Electrofused Minerals owns and operates a plant that performs crushing, sizing, packaging, and distribution operations of brown aluminum oxide, with a maximum production rate of 7.5 tons per hour. This facility has a potential to emit 0.3 ton/12-cmp of NO<sub>x</sub>, 0.3 ton/12-cmp CO, 0.0 ton/12-cmp SO<sub>x</sub>, 0.1 ton/12-cmp VOC, and 11.2 tons/12-cmp PM<sub>10</sub>. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (04-00731) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all

persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

**63-00933: MarkWest Liberty Midstream & Resources, LLC**, 4600 J. Barry Ct., Ste. 500, Canonsburg, PA 15317-5854, initial Synthetic Minor State-Only Operating Permit is for the Johnston natural gas compressor station located in Chartiers Township, **Washington County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of emissions consist of five (5) 1,340-HP Caterpillar G3516LE compressor engines, one (1) 45.0 MMscf/day dehydration unit and associated 0.75 MMBtu/hr reboiler, one (1) 7.0 MMBtu/hr enclosed flare, two (2) 400-bbl condensate storage tanks, one (1) 500-bbl gunbarrel tank, pneumatic devices, venting/blowdowns, fugitives, condensate loadout, crankcase vents, pigging operations, and miscellaneous sources that includes rod packing, one (1) methanol storage tank, and measurement analyzers. The facility is required to conduct regular surveys of the site while operating to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. The facility-wide potential-to-emit is 99.8 TPY NO<sub>x</sub>, 36.7 TPY CO, 36.5 TPY VOC, 2.3 TPY PM, 2.3 TPY PM<sub>10</sub>/PM<sub>2.5</sub>, 0.20 TPY SO<sub>x</sub>, 160,316 TPY CO<sub>2e</sub>, 12.7 TPY total HAP, and 5.9 TPY single HAP. The proposed operating permit includes Federally enforceable and/or legally and practicably enforceable facility-wide and source-specific emission limitations for NO<sub>x</sub> for the five compressor engines to ensure that the facility remains below major source thresholds. The air quality permit includes emission limitations, operating requirements, monitoring requirements, work practice standards, testing, reporting, and recordkeeping 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 Synthetic Minor State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00933) 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>.

**63-01031: TMS International, LLC/Eighty-Four Facility**, 1155 Business Center Dr., Ste. 200, Horsham, PA 19044-3422. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a natural minor State Only Operating Permit for the operation of a steel cutting plant located in South Strabane Township, **Washington County**.

TMS International, LLC owns and operates a steel cutting operation consisting of one natural gas torch and one argon plasma torch controlled by a baghouse. The facility is limited to 10,000 tons of low carbon steel, 15,000 tons of 409 stainless steel, and 3,000 tons of titanium in any 12-consecutive month period (12-cmp). This facility has a potential to emit 0.7 ton/12-cmp of NO<sub>x</sub>, 0.3 ton/12-cmp CO, 0.0 ton/12-cmp SO<sub>x</sub>, 0.0 ton/12-cmp VOC, 1.1 tons/12-cmp PM, and 0.2 ton/12-cmp PM<sub>10</sub>. This facility also has a potential to emit <0.01 ton/12-cmp of each of the following metallic HAPs: chromium VI, chromium compounds, manganese compounds, and nickel compounds. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-01031) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written

comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	

Alkalinity greater than acidity<sup>1</sup>

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).*

**Permit No. 30733707 and NPDES Permit No. PA0215830. Consol Mining Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317. Revision to the permit and related NPDES Permit to revise Pond No. 1 P-1 dewatering system, and the addition of an NPDES outfall for Robena Refuse Disposal Area in Monongahela Township, **Greene County**. Receiving stream(s): Whiteley Creek classified for the following use: WWF. The application was considered administratively complete on October 27, 2021. Application received: September 20, 2021.

**Permit No. 56841328 and NPDES Permit No. PA003367 and GP12-56841328. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201. Renew the mining permit, NPDES Permit, and Air Quality GPA/GP12 Authorization for the Mine 78 site in Paint Township, **Somerset County** and Adams, Croyle, and Richland Townships, **Cambria County**. No additional discharges. The application was considered administratively complete on November 3, 2021. Application received: September 8, 2021.

**Permit No. 30121301 and NPDES Permit No. PA0236195. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317. Revise the mining permit and related NPDES Permit for installation of degas boreholes for the Harvey Mine site in Richhill and Morris Townships, **Greene County**, affecting 16.2 proposed surface acres. No additional discharges. The application was considered administratively complete on November 9, 2021. Application received: October 18, 2021.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 56060102 and NPDES No. PA0249912. Mountaineer Mining Corp.**, 1010 Garrett Shortcut Road, Berlin, PA 15530. Renewal to the NPDES permit of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 83.7 acres. Receiving streams: unnamed tributaries to/and Schrock Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 15, 2021.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 33110104. P. & N. Coal Company, Inc.**, 680 Old Route 119 Highway North, Indiana, PA 15701. Renewal of an existing bituminous surface mine in Union Township, **Jefferson County**, affecting 73.2 acres. This renewal is for reclamation only. Receiving streams: Little Mill Creek to Mill Creek to Clarion River, classified for the following uses: CWF, WWF. Application received: November 1, 2021.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, (Contact: Ashley Smith).*

**Permit No. 17210101 and NPDES No. PA0269972. Black Cat Coal, LLC**, 446 Wm. Cemetery Road, Curwensville, PA 16833. New permit application for commencement, operation, and restoration of a bituminous coal surface mine located in Pike Township, **Clearfield County**, affecting 31.0 acres. Receiving stream(s): Unnamed Tributary to Little Clearfield Creek classified for the following use(s): HQ-CWF. A variance is included to conduct mining and support activities within 100 feet of Unnamed Tributary. The encroachment begins at the point where the present road intercepts Mays Road and will extend up-gradient for approximately 325 feet. Application received: November 8, 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.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, (Contact: Ashley Smith).*

**Permit No. 08212503 and GP-104 No. PAM221026. Johnson Quarries, Inc.,** P.O. Box 136, LeRaysville, PA 18829. Commencement, operation, and restoration of a GP-105 (industrial minerals) operation located in Tuscarora Township, **Bradford County**, affecting 5.0 acres. Receiving stream(s): Unnamed tributary to Mill Creek classified for the following use(s): CWF, MF. Application received: October 28, 2021.

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).*

**Permit No. 65930601 and NPDES Permit No. PA0278378. Hoover Stone Quarry,** 3497 Route 981, Saltsburg, PA 15681. Revision for land use change from cropland, forestland, and commercial/industrial to unmanaged natural habitat, and to add 13.3 acres to the permit boundary of the existing noncoal surface mine, located in Loyalhanna Township, **Westmoreland County**, affecting 90.7 acres. Receiving streams: unnamed tributaries to Conemaugh River, classified for the following use: WWF. Application received: November 12, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. PA0012904 (Mining Permit No. 8074SM2). Highway Material, Inc.,** 409 Stenton Avenue, Flourtown, PA 19031, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Whitemarsh Township, **Montgomery County**, affecting 272.49 acres. Receiving streams: Lorraine Run and Plymouth Creek, classified for the following uses: TFS and WWF, respectively. Application received: October 29, 2021.

**Permit No. 58060844. Kevin W. Ralston,** 698 Main Street, New Milford, PA 18834. Stage I & II bond release of a quarry operation in Gibson Township, **Susquehanna County**, affecting 1.0 acre on quarry owned by Kevin W. Ralston. Application received: November 3, 2021.

#### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

##### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

##### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30-days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, telephone number and the interest of the party filing the request and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**NPDES No. PA0279820 (Mining Permit No. 56210102), Rosebud Mining Company**, 301 Market St, Kittanning, PA 16201. New application of an NPDES permit for bituminous surface mine in Richland/Paint Townships, **Cambria/Somerset Counties**, affecting 279.9 acres. Receiving stream(s): Tributary 45258 Paint Creek, Unnamed Tributary (No. 2) Paint Creek, Paint Creek, classified for the following use(s): CWF. These receiving streams are included in the Kiski-Conemaugh TMDL. Application received: August 26, 2021.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following treated wastewater outfalls discharge to Tributary 45258 Paint Creek, Unnamed Tributary (No. 2) Paint Creek, Paint Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006	Y
007	Y
008	Y

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 006—008</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The following stormwater outfalls discharge to unnamed tributaries to Tributary 45258 Paint Creek, Unnamed Tributary (No. 2) Paint Creek, Paint Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
003	Y
004	Y
005	Y



<i>Outfalls: (all weather conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA0262765 (Mining Permit No. 56090106), Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530. Renewal of a NPDES permit for a bituminous surface mine in Brothersvalley Township, **Somerset County**, currently affecting 76.2 acres. Receiving stream(s): Unnamed Tributary to Buffalo Creek, classified for the following use(s): CWF. This receiving stream is included in the Buffalo Creek Somerset County TMDL. Application received: August 27, 2021.

The following treated wastewater outfalls all discharge to an Unnamed Tributary to Buffalo Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004 (Treatment Pond # 4), 005 (Treatment Pond # 5), and 011 (Treatment Pond # 8),	N

The proposed effluent limits for the previously listed outfall 004 are as follows:

<i>Outfall: 004 (Treatment Pond # 1) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.51
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006 (Sediment Pond # 1), 009 (Sediment Pond # 4), 010 (Sediment Pond # 5), and 012 (Sediment Pond # 8)	N

The proposed effluent limits for the previously listed outfall 006 are as follows:

<i>Outfall: 006 (Treatment Pond # 1) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.51	1.51	1.51
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

*Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.*

**NPDES No. PA0241890 (Mining Permit No. 33010102). McKay Coal Company, Inc.**, P.O. Box 343, Punxsutawney, PA 15767. Renewal of an NPDES permit for a bituminous surface mine in Perry Township, **Jefferson County**, affecting 69.2 acres. Receiving stream(s): Unnamed tributary to Foundry Run, classified for the following use(s): CWF. TMDL: None. Application received: October 28, 2021.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to an unnamed tributary to Foundry Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity <sup>1</sup>				

<sup>1</sup> The parameter is applicable at all times.

New Stanton District Mining Office, P.O. Box 133, New Stanton, PA 15672, (724) 925.5500.

**NPDES No. PA0251577 (Mining Permit No. 03090101), RES Coal LLC**, 22 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Renewal of an NPDES permit for bituminous surface mine in Madison Township, **Armstrong County**, affecting 117.4 acres. Receiving stream(s): unnamed tributaries to Redbank Creek and Redbank Creek, classified for the following use(s): CWF and TSF. These receiving streams are included in the Redbank Bank TMDL. Application received: March 12, 2021.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following treated wastewater outfalls discharge to Redbank Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N
005	N
006	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 004—006 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The following stormwater outfalls discharge to unnamed tributaries to Redbank Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
003	Y

<i>Outfalls: 001—003 (all weather conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

**NPDES No. PA0251453 (Mining Permit No. 26080104), AEC Services Company, LLC**, 525 Plymouth, Suite 320, Plymouth Meeting, PA 19462. Renewal of NPDES permit located in Dunbar Township, **Fayette County**, affecting 88.2 surface acres. Receiving streams: UNT Gist Run classified for the following use: TSF. Application received: September 20, 2020.

The following stormwater outfall discharges to UNT to Gist Run

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
SP01	N	SWO

The proposed effluent limits for the previously listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	-	3.0	6.0	7.0
Manganese (mg/l)	-	2.0	4.0	5.0
Aluminum (mg/l)	-	0.75	0.75	0.75
Total Suspended Solids (mg/l)	-	35	70	90
pH (S.U.)	6.0	-	-	9.0
Alkalinity, Total (as CaCO <sub>3</sub> ) (mg/l)	-	-	-	Report
Acidity, Total (as CaCO <sub>3</sub> ) (mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO <sub>3</sub> )	-	-	-	Report
Flow (gpm)	-	-	-	Report
Sulfate (mg/l)	-	-	-	Report
Specific Conductivity (µmhos/cm)	-	-	-	Report
Temperature (°C)	-	-	-	Report
Cadmium (mg/l)	-	-	-	Report
Phenols (mg/l)	-	-	-	Report

The following treatment facility outfall discharge to UNT to Gist Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
TFA	N	TFO
TFB	N	TFO

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	-	3.0	6.0	7.0
Manganese (mg/l)	-	2.0	4.0	5.0
Aluminum (mg/l)	-	0.75	0.75	0.75
Total Suspended Solids (mg/l)	-	35	70	90
pH (S.U.)	6.0	-	-	9.0
Alkalinity, Total (as CaCO <sub>3</sub> ) (mg/l)	-	-	-	Report
Acidity, Total (as CaCO <sub>3</sub> ) (mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO <sub>3</sub> )	-	-	-	Report
Flow (gpm)	-	-	-	Report
Sulfate (mg/l)	-	-	-	Report
Specific Conductivity (µmhos/cm)	-	-	-	Report
Temperature (°C)	-	-	-	Report
Cadmium (mg/l)	-	-	-	Report
Phenols (mg/l)	-	-	-	Report

*Noncoal NPDES Draft Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.*

**NPDES No. PA0257788 (Mining Permit No. 53110301). North Penn Supply Quarries, LLC**, 115 North East Street, Coudersport, PA 16915. Renewal of an NPDES permit for noncoal surface mining in Sweden Township, **Potter County**, affecting 21.0 acres. Receiving stream(s): Mill Creek, classified for the following use(s): HQ—CWF. Application received: May 20, 2021.

The following outfall requires a non-discharge alternative:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Treatment Pond

There is no proposed point source surface discharge from the previously listed facilities to the receiving stream due to the implementation of Best Management Practices in the form of a spider-pipe infiltration gallery.

**NPDES No. PA0069744 (Mining Permit No. 6075SM3), New Enterprise Stone & Lime Company, Inc.**, P.O. Box 77, New Enterprise, PA 16664. Renewal of an NPDES permit for discharge from a large noncoal surface mining permit in Union Township, **Union County**, affecting 414.7 acres. Receiving stream(s): Winfield Creek classified for the following use(s): TSE, WWF. Application received: September 29, 2021.

The following outfalls discharge to Winfield Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
006	N	Sedimentation Pond A
007	N	Sedimentation Pond HA
013	N	Sedimentation Pond E
015	N	Pit Sump

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 015 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

<i>Outfalls: 006, 007, 013 (Dry Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

<i>Outfalls: 006, 007, 013 (≤10-yr/24-hr Precip. Event)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

*Outfalls: 006, 007, 013 (>10-yr/24-hr Precip. Event)*  
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

**NPDES No. PA0614181 (Mining Permit No. 60840401), New Enterprise Stone & Lime Company, Inc.,** P.O. Box 77, New Enterprise, PA 16664. Renewal of an NPDES permit for discharge from a large noncoal surface mining permit in Buffalo Township, **Union County**, affecting 241.2 acres. Receiving stream(s): Buffalo Creek classified for the following use(s): TSF, MF. Application received: September 29, 2021.

The following outfalls discharge to Buffalo Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Sedimentation Pond A
003	N	Sedimentation Pond C
004	N	Sedimentation Pond D
005	N	Sedimentation Pond E
007	N	Process Pond I
010	N	Sedimentation Pond J

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 007 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/L)	25.0	45.0	60.0
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

<i>Outfalls: 001, 003—005, 010 (Dry Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/L)	25.0	45.0	60.0
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

<i>Outfalls: 001, 003—005, 010 (≤10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

*Outfalls: 001, 003—005, 010 (>10-yr/24-hr Precip. Event)*  
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.*

**NPDES Permit No. PA0226025 (Mining Permit No. 6172SM6). Bear Gap Stone, Inc.,** 432 Quarry Road, Elysburg, PA 17824. New NPDES Permit in Ralpho Township, **Northumberland County**, affecting 89.0 acres. Receiving stream: South Branch Roaring Creek Watershed classified for the following uses: HQ-CWF and MF. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 in addition to the limits identified in Table 2. Application received: March 20, 2019.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>		
001	N	Stormwater/Groundwater		
<i>Outfall: 001</i>				
<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instantaneous</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)		Report		
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)		Report		
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Turbidity (NTU)		40.0	80.0	100.0
Total Dissolved Solids (mg/L)		Report		
Discharge (MGD)		0.05	0.05	

<sup>1</sup> This Parameter is applicable at all times.

**NPDES Permit No. PA0224774 (Permit No. 40090301). Cedar Rock Materials Corporation,** 1206 Salem Boulevard, Berwick, PA 18603. Renewal of an NPDES Permit in Salem Township, **Luzerne County**, affecting 252.0 acres. Receiving streams: two unnamed tributaries to the Susquehanna River, classified for the following use: CWF and the Susquehanna River Watershed classified for the following use: WWF. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 in addition to the limits identified in Table 2. Application received: September 16, 2020.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	No	Pit Water (Inactive)
002	No	Pit Water (Inactive)
003	No	Stormwater (Inactive)

<i>Outfalls: 001, 002</i> Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)		Report		
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)		Report		
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD) Outfall 001		1.65	1.65	
Discharge (MGD) Outfall 002		-	-	

The following limits apply to dry weather discharges from stormwater facilities listed below.

<i>Outfalls: 003</i> Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)		Report		
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)		Report		
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0

The following alternate discharge limitations apply to discharges from the stormwater facilities listed above resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event.

pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ) (mg/L)		Report		
Total Acidity (as CaCO ) (mg/L)		Report		
Net Alkalinity (mg/L)	0.0			
Total Settleable Solids (mL/L)				0.5

<sup>1</sup> This Parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may

contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

#### Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.*

**Permit No. E2301221-018, Delaware County Regional Water Quality Control Authority (DELCOA), 100 East 5th Street, Chester, PA 19013, Chester City, Eddystone, Folcroft, Norwood, Prospect Park Boroughs, Darby and Ridley Townships, Delaware County, ACOE Philadelphia District.**

DELCOA is proposing to construct an 8.5-mile-long (44,000 linear feet) subsurface tunnel at approximately 70 to 100 feet below surface associated with the DELCOA Wastewater Tunnel Project. Along with pump station upgrades, five (5) access/drop shaft with diameters ranging from 16 to 40 feet will also be constructed. The tunnel will provide an estimated 30 million gallons of storage capacity. DELCOA is proposing to construct and maintain a total of 12,690 square feet (0.291 acre) of subsurface tunnel under 18 different watercourses (UNT to Delaware River, Chester Creek, Ridley Creek, Crum Creek, UNT to Stony Creek, Darby Creek Tidal Cove, Stony Creek, UNT to Darby Creek, Muckinipates Creek, UNT to Hermesprota Creek, and Hermesprota Creek (WWF-MF) and 53,579 square feet (1.23 acres) of subsurface tunnel under 49 different wetland areas (PEM, PFO and PSS) with no direct impact or loss of regulated resource.

The proposed tunnel is located subsurface and is to be constructed entirely within bedrock. The project will

commence at the Darby Creek Pump Station Site in Darby Township (USGS PA Bridgeport; Lansdowne; Marcus Hook Quadrangle—Latitude 39.8911, Longitude 75.2628 W) traversing Folcroft Borough, Norwood Borough, Prospect Park Borough, Ridley Township, and Eddystone Borough and will terminate at the Western Regional Treatment Plant Site in Chester City (USGS PA Bridgeport; Lansdowne; Marcus Hook Quadrangle—Latitude 39.8271, Longitude 75.3917 W).

**Permit No. E4601221-018, Montgomery County**, One Montgomery Plaza, 6th Floor, P.O. Box 311, Norristown, PA 19404, Pottstown Borough and North Coventry Township, **Montgomery** and **Chester Counties**, ACOE Philadelphia District.

Montgomery County is proposing to perform the following water obstruction and encroachment activities associated with the Keim Street Bridge Replacement Project (Montgomery County Bridge No. 190, Chester County Bridge No. 220) over the Schuylkill River (WWF-MF):

To remove an existing 749-foot long, 29-foot wide, 8-span Warren Steel Pony Truss Bridge over the Schuylkill River (WWF-MF). To construct and maintain:

- 750-foot long, 40.083 foot-wide, 5-span Prestressed Bulb Tee Beam Bridge, at the same location
- Three (3) 18-inch and one (1) 15-inch diameter outfalls with grading and placement of riprap rock aprons
- Four (4) new piers and bridge abutments with scour protection, the placement of fill for approach roadway embankment within a UNT to Schuylkill River (WWF-MF) and roadway reconstruction
- Three (3) red belly turtle basking areas

These activities will result in a total of 9,925 square feet (0.228 acre) of permanent watercourse impact, 79,776 square feet (1.831 acres) of temporary watercourse impact, 27 square feet (0.001 acre) of permanent wetland impact, 5,481 square feet (0.126 acre) of temporary wetland impact, 12,835 square feet (0.295 acre) of permanent floodway impact, and 53,178 square feet (1.267 acres) of temporary floodway impact with 16,610 square feet (0.381 acre) of permanent floodplain impact and 96,903 square feet (2.225 acres) of temporary floodplain impact. Temporary watercourse and floodway impacts include the construction and maintenance of a temporary causeway to facilitate the removal of existing piers and construction of new bridge piers.

The bridge replacement project is located at Keim Street between SR 0422 West Ramp and Industrial Highway in Pottstown Borough and North Coventry Township in Montgomery and Chester Counties (USGS PA Pottstown Quadrangle—Latitude 40.234993, Longitude 75.634091 W).

*Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E3902220-031. West Hills (Hillwood) Partners, LP**, 5050 W. Tilghman Street, Suite 435, Allentown, PA 18104, Weisenberg Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream restoration project with dam removal in a 517-foot reach of a UNT to Lyon Creek (HQ-CWF, MF) using natural stream channel design techniques to create a natural stream corridor. Work will include re-grading of the channel, re-grading floodplain, establishment of riparian buffers, and the placement of in-stream structures including random boul-

der placement, rock cross vanes, live stake plantings and constructed riffles. The project is located on the right of Seipstown Road approximately 0.2 mile after the intersection with Golden Key Road (Topton, PA Quadrangle Latitude: 40° 35' 12", Longitude: -75° 42' 18") in the Weisenberg Township, Lehigh County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E2203221-004. Prologis, L.P.**, 7584 Morris Court, Suite 200, Allentown, PA 18106, 7464 and 7600 Linglestown Road in West Hanover Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) place and maintain fill in 0.468 acre of palustrine emergent wetlands, 0.10 acre of palustrine forested wetlands, and 0.045 acre of palustrine scrub-shrub wetlands totaling 0.61 acre of wetland impact; 2.) place and maintain fill in 494 linear feet of a UNT to Manada Creek (WWF, MF), all for the purpose of constructing an industrial building. The project is located at 7464 and 7600 Linglestown Road (Latitude: 40.357126, Longitude: -76.738663) in West Hanover Township, Dauphin County. To compensate for the proposed impacts the applicant proposes to create wetlands onsite consisting of 0.468 acre of PEM wetland, 0.068 acre of PSS wetland, 0.2 acre of PFO wetland, and 494 linear feet of stream from uplands immediately adjacent to existing unimpacted wetlands.

*Northcentral Region: Waterways & Wetlands Program, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E1404221-005: Ferguson Township**, 3147 Research Drive, State College, PA 16801, Suburbank Park, Ferguson Township, **Centre County**, U.S. Army Corps of Engineers Baltimore District (Julian, PA Quadrangle; 40° 48' 37.92" N; 77° 53' 14.94" W).

The applicant proposes to construct and maintain a Municipal park improvement project needed to modernize Suburban Park in Ferguson Township, PA. Floodway and floodplain impacts include stream restoration, stormwater control measures and outfalls, hiking paths and footbridges within the floodway of a UNT to Big Hollow (CWF, MF). The project proposes .14 acre of permanent direct watercourse impacts, and 1.01 acres of permanent direct floodway impacts.

**E5904221-008: NFG Midstream Covington, LLC**, 1623 Mack Road, Mansfield, PA 16933, Morris Township, **Tioga County**, U.S. Army Corps of Engineers Baltimore District (Crooked Creek Quadrangle; Latitude: 41° 45' 45.25" N; Longitude: 77° 07' 53.70" W).

The applicant has proposed to install Installation of two (2) three-inch (3") diameter buried electrical conduits that will span approximately 1,800 linear feet. The project will result in 3.8' L x 6' W of permanent Watercourse impact, no permanent Floodway impact, and 10' L x 10' W of permanent Wetland impact (The UNTs to Elk Run are CWF-MF, and no known threatened or endangered species inhabit the resource within the project area). Mitigation will not be required as Wetland impact is de minimis.

**F1904221-003: Scott Township**, 350 Tenny Street, Bloomsburg, PA 17815. Floodplain encroachment demolition of three (3) structures in Scott Township, **Columbia County**. U.S. Army Corps of Engineers Baltimore District. Scott Township is seeking authorization to demolish the existing floodplain encroachments (demolition of all

structures, sheds, other ancillary property structures) and to re-grade the floodplain at the following locations.

- 2742 Old Berwick Road, Bloomsburg, PA—Bloomsburg, PA Quadrangle, (Latitude: 41.008169° N; Longitude: -76.404222° W)
- 2789 Old Berwick Road, Bloomsburg, PA—Bloomsburg, PA Quadrangle, (Latitude: 41.008761° N; Longitude: -76.404050° W)
- 2920 Old Berwick Road, Bloomsburg, PA—Bloomsburg, PA Quadrangle, (Latitude: 41.009564° N; Longitude: -76.400567° W)

*Southwest Region: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222.*

**E0407221-006: ETC Northeast Pipeline, LLC**, 6051 Wallace Road Extension, Third Floor, Wexford, PA 15090, **Beaver County**, ACOE Pittsburgh District.

This Joint Permit Application is being submitted for various activities associated with the B15 Well Connect Pipeline. These impacts include repairs to slope movements partially located within wetlands at Stations 3+00 and 149+00 and authorization of five (5) after-the-fact aquatic resource crossings that were not identified during the original permitting.

The project will result in a total of 10,199 SF (0.234 acre) of permanent wetland impacts due to fill placed within wetlands and conversion of PFO and PSS wetlands. The original permit included 1,520 SF of wetland conversion that will be added to the total permanent wetland impacts. A total of 1.04 acres of wetland mitigation credits are to be purchased to off-set the impacts.

**Wetland Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
W_256_JAR	Baden	Fill/Dewatering/Timbermat	PEM/PSS	N/A	769	-	1,249	-	40.63958 -80.18106
W_1153_MRV_A	Baden	Fill/Dewaterting	PEM/PSS	N/A	206	-	1,694	-	40.66606 -80.181481
W_1158_MRV_B	Baden	Conversion	PSS	N/A	-	-	27	-	40.64111 -80.18306
W_1157_MRV_A	Baden	Conversion	PFO	N/A	-	-	3,599	-	40.65672 -80.19278
S_464_JAR_PIPE_FW	Baden	Floodway Impact	-	TSF	-	170	-	-	40.66194 -80.19167
W_1155_MRV_B	Baden	Conversion	PSS	N/A	-	-	2,213	-	40.67000 -80.18417
W_257_JAR_A	Baden	Conversion	PFO	N/A	-	-	1,417	-	40.67417 -80.18000
<b>TOTAL IMPACTS</b>					<b>975</b>	<b>170</b>	<b>10,199</b>	<b>-</b>	

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E2406221-002, Elk County Riders, Inc.**, 133 Gahr Road, Kersey, PA 15846. Byrnedale Trail and Stream Crossing, in Jay Township, **Elk County**, ACOE Pittsburgh District (USGS, PA Quadrangle N: 41°, 17', 27.1050"; W: 78°, 30', 09.9327").

To construct and maintain a 10-foot wide by 105-foot long prefabricated bridge providing a clear span of approximately 101.83 feet and an underclearance of approximately 8.58 feet across Kersey Run (CWF, Migratory) in Jay Township's Byrnedale Park to connect a gap in the existing 16 miles ATV trail route located to the east of SR 255 approximately 1.5 miles north of intersection of SR 255 and SR 555 at Weedville.

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E0829221-022: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Wilnot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) and impacting 8,560 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.570465°, Longitude: -76.339003°);
2. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41.570247°, Longitude: -76.338528°);
3. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,200 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41.569408°, Longitude: -76.337354°);
4. a 16-inch diameter temporary waterline and a timber mat bridge impacting 880 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.569408°, Longitude: -76.337354°);

5. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,376 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41.568471°, Longitude: -76.338059°);

6. a 16-inch diameter temporary waterline and a timber mat bridge impacting 748 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41.568281°, Longitude: -76.338169°);

7. a 16-inch diameter temporary waterline and a timber mat bridge impacting 820 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41.567958°, Longitude: -76.338368°);

8. a 16-inch diameter temporary waterline and a timber mat bridge impacting 5,320 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.567153°, Longitude: -76.338965°);

9. a 16-inch diameter temporary waterline and a timber mat bridge impacting 34 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41.566645°, Longitude: -76.33934°);

10. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) and impacting 7,860 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.566484°, Longitude: -76.339437°);

11. a 16-inch diameter temporary waterline and a timber mat bridge impacting 23 linear feet of North Fork Mehoopany Creek (CWF, MF) and impacting 1,200 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.5633326°, Longitude: -76.342396°);

12. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,120 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.563047°, Longitude: -76.343408°);

13. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,000 square feet of floodway impacts to an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41.558016°, Longitude: -76.335174°);

14. a 16-inch diameter temporary waterline and a timber mat bridge impacting 700 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41.556798°, Longitude: -76.334025°);

15. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) and impacting 2,020 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.555604°, Longitude: -76.334849°);

16. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,360 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.554116°, Longitude: -76.334979°);

17. a 16-inch diameter temporary waterline impacting 7 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41.551429°, Longitude: -76.33608°);

The project will result in 144 linear feet, 1,897 square feet of temporary stream impacts and 15,068 square feet of floodway impacts, and 33,164 square feet (0.762 acre) of temporary PEM wetland impacts, all for the purpose of establishing a temporary water supply for Marcellus well

development in Wilmot Township, Bradford County. This project is associated with permit application number E5729221-007.

**E5729221-007: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Cherry and Cooley Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16-inch diameter temporary waterline and a timber mat bridge impacting 22 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41.548536°, Longitude: -76.332832°);

2. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,840 square feet of a Palustrine Forested Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.569408°, Longitude: -76.337354°);

3. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41.5448995°, Longitude: -76.332441°);

4. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) and impacting 2,140 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.544714°, Longitude: -76.333819°);

5. a 16-inch diameter temporary waterline and a timber mat bridge impacting 780 square feet of a Palustrine Forested Wetland (Colley, PA Quadrangle, Latitude: 41.544060°, Longitude: -76.335049°);

6. a 16-inch diameter temporary waterline and a timber mat bridge impacting 5,420 square feet of a Palustrine Emergent Wetland and impacting 1,340 square feet of a Palustrine Forested Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.543509°, Longitude: -76.335109°);

7. a 16-inch diameter temporary waterline and a timber mat bridge impacting 640 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.543409°, Longitude: -76.324142°);

8. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) and impacting 216 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.543786°, Longitude: -76.32359°);

9. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41.543977°, Longitude: -76.322912°);

10. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) and impacting 1,740 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.543579°, Longitude: -76.321569°);

11. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF, MF) and impacting 1,160 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.543345°, Longitude: -76.320612°);



12. a 16-inch diameter temporary waterline and a timber mat bridge impacting 860 square feet of a Palustrine Emergent Wetland and impacting 1,000 square feet of a Palustrine Forested Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.543345°, Longitude: -76.320293°);

13. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,120 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.542931°, Longitude: -76.319901°);

14. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,540 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.543107°, Longitude: -76.319403°);

15. a 16-inch diameter temporary waterline and a timber mat bridge impacting 4,720 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41.543658°, Longitude: -76.317015°).

The project will result in 142 linear feet, 1,330 square feet of temporary stream impacts and 23,880 square feet of floodway impacts, 33,164 square feet (0.495 acre) of temporary PEM wetland impacts and 4,960 square feet (0.114 acre) of temporary PFO wetland impacts, all for the purpose of establishing a temporary water supply for Marcellus well development in Cherry and Cooley Township, Sullivan County. This project is associated with permit application number E0829221-022.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**EA3603221-003. Mr. Simeon Esh**, 733 Nottingham Road, Peach Bottom, PA 17563-9788, in Fulton Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To conduct a stream restoration project along 3,180 feet of Conowingo Creek (CWF, MF) including 1.) the construction and maintenance of 8 rock cross vanes; 2.) The

installation and maintenance of 170 feet of toe wood; 3.) the construction and maintenance of nine mud sills totaling 1,265 feet in length; 4.) the installation and maintenance of eight random boulder clusters; 5.) the installation and maintenance of eleven rock/log vanes; 6.) the construction and maintenance of five rock outlets; 7.) the installation and maintenance of three j-hook rock vanes; 8.) the installation and maintenance of 3 livestock crossings; 9.) the installation and maintenance of five zig zag rock walls totaling 195 feet in length; 10.) the grading and maintenance of 3,965 feet of streambank; and 11.) the placement and maintenance of two channel blocks, all for the purposes of reducing streambank erosion and enhancing instream habitat. The project is located approximately 0.50 mile east of the intersection of Nottingham Road and Robert Fulton Highway (Latitude: 39° 46' 13" N, Longitude: 76° 10' 15" W) in Fulton Township, Lancaster County. No wetlands will be impacted by this project.

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**EA0829221-003: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Troy Township, **Bradford County**, ACOE Baltimore District.

The construction of the existing well pad resulted in 566 square feet (0.013 acre) of temporary impacts to a Palustrine Emergent Wetland. The project proposes 566 square feet (0.013 acre) of restoration activities such as soil decompaction and the replanting of native hydrophytic vegetation within the impacted wetland. The project will result in 671 square feet (0.015 acre) of temporary Palustrine Emergent Wetland impacts (East Troy, PA Quadrangle, Latitude: 41.752543, Longitude: -76.743758°). This project is associated with the Chesapeake Audit and the impacts are the result of removing fill from within the wetland in Troy Township, Bradford County.

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a, including links to Individual NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice).

DEP office contact information to review official files relating to the final actions in Section I is as follows:

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES\_SERO@pa.gov.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES\_NERO@pa.gov.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES\_SCRO@pa.gov.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES\_NCRO@pa.gov.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES\_SWRO@a.gov.*

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES\_NWRO@pa.gov.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES\_Permits@pa.gov.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### **I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAI132251	MS4 Individual NPDES Permit	Waived	Kline Township Schuylkill County PO Box 338 30 5th Street Kelayres, PA 18231-0338	Kline Township Schuylkill County	NERO
PA0020923	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	New Oxford Municipal Authority Adams County 409 Water Works Road New Oxford, PA 17350-1511	New Oxford Borough Adams County	SCRO
PA0001465	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Ceramic Color & Chemicals Manufacturing Co. LLC PO Box 297 New Brighton, PA 15066-0297	New Brighton Borough Beaver County	SWRO
PA0035777	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Hoeganaes Corp 4330 Paradise Road Watsontown, PA 17777-8802	Delaware Township Northumberland County	NCRO
PA0239283	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Whitehall Specialties Inc. 2850 Perry Highway Slippery Rock, PA 16057-6308	Scott Township Lawrence County	NWRO
PA0063690	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Melroes Restaurant 832 Salem Boulevard Berwick, PA 18603-6838	Salem Township Luzerne County	NERO
PA0101940	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Narlee Andrew R 5676 State Route 308 Kennerdell, PA 16374-2206	Clinton Township Venango County	NWRO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0217514	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Honeywell Electronic Materials Inc. 195 Hartzell School Road Fombell, PA 16123-1207	Marion Township Beaver County	SWRO
PA0239771	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Hemlock Hills Mobile Home Comm LLC 225 Hall Street Phoenixville, PA 19460-3510	New Beaver Borough Lawrence County	NWRO
PA0260975	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Richmond Township Berks County 11 Kehl Drive Fleetwood, PA 19522-9285	Richmond Township Berks County	SCRO
PA0081591	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Eastern York County Sewer Authority 4 West Market Street Hellam, PA 17406	Hallam Borough York County	SCRO
PA0084212	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Leacock Township Sewer Authority Lancaster County PO Box 558 3545 W Newport Road Intercourse, PA 17534-0558	Leacock Township Lancaster County	SCRO
PA0092355	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Belle Vernon Municipal Authority PO Box 181 Belle Vernon, PA 15012-0181	Belle Vernon Borough Fayette County	SWRO
PA0218570	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Central Mainline Sewer Authority Cambria County PO Box 35 93 Jones Street Lilly, PA 15938-0035	Portage Township Cambria County	SWRO
PA0261343	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Joshua Hill Sewer Co. LLC 929 Baltimore Street Hanover, PA 17331	West Manheim Township York County	SCRO
5275415	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 1 Aqua Way White Haven, PA 18661-1115	Lackawaxen Township Pike County	NERO
NOEXNW146	No Exposure Certification	Issued	Fedex Ground Pkg System Inc. 1000 Fed Ex Drive Moon Township, PA 15108-9373	McKean Township Erie County	NWRO
PAG033628	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Dak Americas LLC 7621 Little Avenue Suite 500 Charlotte, NC 28226-8162	Muhlenberg Township Berks County	SCRO
PAR143530	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Berryville Graphics Inc. 100 N Miller Street Fairfield, PA 17320-9707	Fairfield Borough Adams County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAR703519	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Altium Pkg 15 Lightner Road York, PA 17404-1610	Manchester Township York County	SCRO
PAG123514	PAG-12 NPDES General Permit for CAFOs	Issued	Chiou Hog Farm 312 Hammonton Place Silver Spring, MD 20904	Belfast Township Fulton County	SCRO
PAG123544	PAG-12 NPDES General Permit for CAFOs	Issued	Hershey Ag Services 138 Airport Road Marietta, PA 17547-9105	Howe Township Perry County	SCRO
PAG123569	PAG-12 NPDES General Permit for CAFOs	Issued	Huber John 2701 Fruitville Pike Lancaster, PA 17601-2919	Northeast Madison Township Perry County	SCRO
PAG123574	PAG-12 NPDES General Permit for CAFOs	Issued	Miller Scotty Lk PO Box 512 Elizabethtown, PA 17022-0512	Conoy Township Lancaster County	SCRO
PAG123574	PAG-12 NPDES General Permit for CAFOs	Issued	Swanger Paul PO Box 512 Elizabethtown, PA 17022-0512	Conoy Township Lancaster County	SCRO
PAG123620	PAG-12 NPDES General Permit for CAFOs	Issued	Werner Jeffrey L 897 N Lancaster Street Jonestown, PA 17038-8717	Swatara Township Lebanon County	SCRO
PAG123685	PAG-12 NPDES General Permit for CAFOs	Issued	Zartman Thomas L 820 Hilltop Road Ephrata, PA 17522-8401	Clay Township Lancaster County	SCRO
PAG123700	PAG-12 NPDES General Permit for CAFOs	Issued	Rutt Richard W 375 Nissley Road Mount Joy, PA 17552-9022	East Donegal Township Lancaster County	SCRO
PAG123743	PAG-12 NPDES General Permit for CAFOs	Issued	Brian Brechbill & Alan Rice 13689 Dream Highway Newburg, PA 17240-9613	Lurgan Township Franklin County	SCRO
PAG123744	PAG-12 NPDES General Permit for CAFOs	Issued	Randall Brubaker 1908 Valley Road Manheim, PA 17545-9666	Rapho Township Lancaster County	SCRO
PAG123761	PAG-12 NPDES General Permit for CAFOs	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Codorus Township York County	SCRO
PAG123798	PAG-12 NPDES General Permit for CAFOs	Issued	Meadow Lane Dairy 3392 Blue Rock Road Lancaster, PA 17603-9499	Manor Township Lancaster County	SCRO
PAG123803	PAG-12 NPDES General Permit for CAFOs	Issued	Collett Farms LLC 90 Court Street Bethel, PA 19507-9721	Lykens Township Dauphin County	SCRO
PAG123822	PAG-12 NPDES General Permit for CAFOs	Issued	Collett Farms LLC 90 Court Street Bethel, PA 19507-9721	Lykens Township Dauphin County	SCRO
PAG123891	PAG-12 NPDES General Permit for CAFOs	Issued	S & J Farms LLC 6470 Park Road Orrstown, PA 17244-9669	Lurgan Township Franklin County	SCRO
PAG123892	PAG-12 NPDES General Permit for CAFOs	Issued	Carowick Casey S 6109 Country Lane Todd, PA 16685	Cass Township Huntingdon County	SCRO
PAG128301	PAG-12 NPDES General Permit for CAFOs	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	East Fallowfield Township Crawford County	SCRO
1500421	Sewage Land Application Individual WQM Permit	Issued	Upper Uwchlan Township Municipal Authority 140 Pottstown Pike Chester Springs, PA 19425-9516	Upper Uwchlan Township Chester County	SERO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1021413	Sewage Treatment Facilities Individual WQM Permit	Issued	Prementine Robert 210 Highfield Road Butler, PA 16001-3119	West Liberty Borough Butler County	NWRO
1169402	Sewage Treatment Facilities Individual WQM Permit	Issued	Windber Area Authority Somerset County 1700 Stockholm Avenue Windber, PA 15963-2059	Richland Township Cambria County	SWRO
1421402	Sewage Treatment Facilities Individual WQM Permit	Issued	Wellar Scott 5050 S Eagle Valley Road Julian, PA 16844-9779	Huston Township Centre County	NCRO
1521405	Sewage Treatment Facilities Individual WQM Permit	Issued	Stephen J Eldredge & Melissa Novak Eldredge 2261 S Valley Road Berwyn, PA 19312	Easttown Township Chester County	SERO
2021414	Sewage Treatment Facilities Individual WQM Permit	Issued	Alex Stein & Tessa McCauley 6162 Fisher Road Conneautville, PA 16406-5018	Beaver Township Crawford County	NWRO
2520407	Sewage Treatment Facilities Individual WQM Permit	Issued	Harris Pauline 8081 Grubb Road McKean, PA 16426-1228	McKean Township Erie County	NWRO
2521422	Sewage Treatment Facilities Individual WQM Permit	Issued	Beatrice & William Smith 1706 Clifford Drive Erie, PA 16505-2806	Conneaut Township Erie County	NWRO
3670415	Sewage Treatment Facilities Individual WQM Permit	Issued	Ridgewood Manor MHC LLC 98 Breneman Road Manheim, PA 17545-9802	Rapho Township Lancaster County	SCRO
3707401	Sewage Treatment Facilities Individual WQM Permit	Issued	Hemlock Hills Mobile Home Comm LLC 225 Hall Street Phoenixville, PA 19460-3510	New Beaver Borough Lawrence County	NWRO
5691406	Sewage Treatment Facilities Individual WQM Permit	Issued	Conemaugh Township Somerset County 1120 Tire Hill Road Johnstown, PA 15905-7707	Paint Township Somerset County	SWRO
6379410	Sewage Treatment Facilities Individual WQM Permit	Issued	The Washington County Coal Co. 46226 National Road Saint Clairsville, OH 43950-8742	South Strabane Township Washington County	SWRO
6797407	Sewage Treatment Facilities Individual WQM Permit	Issued	Jackson Township Sewer Authority York County 439 Roth Church Road Spring Grove, PA 17362-8872	Jackson Township York County	SCRO
3621402	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Warwick Township Municipal Authority Lancaster County 315 Clay Road PO Box 336 Lititz, PA 17543-9019	Warwick Township Lancaster County	SCRO
PA0233170	Single Residence STP Individual NPDES Permit	Issued	Wellar Scott 5050 S Eagle Valley Road Julian, PA 16844-9779	Huston Township Centre County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0288250	Single Residence STP Individual NPDES Permit	Issued	Harris Pauline 8081 Grubb Road McKean, PA 16426-1228	McKean Township Erie County	NWRO
PA0289647	Single Residence STP Individual NPDES Permit	Issued	Dylan Prorok & Tara Belloma 115 Caldwell Drive Butler, PA 16002-3701	Jefferson Township Butler County	NWRO
PA0289744	Single Residence STP Individual NPDES Permit	Issued	Beatrice & William Smith 1706 Clifford Drive Erie, PA 16505-2806	Conneaut Township Erie County	NWRO
PA0289817	Single Residence STP Individual NPDES Permit	Issued	Alex Stein & Tessa McCauley 6162 Fisher Road Conneautville, PA 16406-5018	Beaver Township Crawford County	NWRO
PA0289892	Single Residence STP Individual NPDES Permit	Issued	Prementine Robert 210 Highfield Road Butler, PA 16001-3119	West Liberty Borough Butler County	NWRO
1021412	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Dylan Prorok & Tara Belloma 115 Caldwell Drive Butler, PA 16002-3701	Jefferson Township Butler County	NWRO
1583420	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Hansen Kyle 1834 W Strasburg Road Coatesville, PA 19320	Warwick Township Chester County	SERO

**II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.**

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC150276	PAG-02	Issued	Gavin & Susanne Lentz 206 Spruce Street Philadelphia, PA 19016	Birmingham Township Chester County	SERO
PAC150290	PAG-02	Issued	S&P Conveyors PO Box 368 Nottingham, PA 19362	New Garden Township Chester County	SERO
PAD150013	PAG-02 General Permit	Issued	Kenneth Graham, Owner 612 Pughtown Road Spring City, PA 19475	East Nantmeal Township Chester County	SERO
PAD510012 A-10	PAG-02 General Permit	Renewal	Philadelphia Authority for Industrial Development 4747 South Broad Street Building 101 Suite 120 Philadelphia, PA 19112	City of Philadelphia Philadelphia County	SERO
PAD230057	Individual NPDES	Issued	Delaware County Regional Water Quality Control Authority (DELCORA) 100 East Fifth Street P.O. Box 999 Chester, PA 19016-0999	City of Chester Delaware County	SERO
PAD150041	Individual NPDES	Issued	Weatherstone Town Center, LP 707 Eagleview Boulevard Exton, PA 19341-1159	West Vincent Township Chester County	SERO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD150007	Individual NPDES	Renewal	Tel Hai Retirement Community 1200 Tel Hai Circle P.O. Box 190 Honey Brook, PA 19344	Honey Brook Township Chester County	SERO
PAD090078 (Formerly PAI010916003)	Individual NPDES	Renewal	Richard Kocinski 139 Kildee Road Belle Meade, NJ 08502-5710	Buckingham Township Bucks County	SERO
PAC130022	PAG-02 General Permit	Issued	Weatherly Borough Multi— Use Trail c/o Harold Pudliner 61 West Main Street Weatherly, PA 18255	Weatherly Borough Carbon County	Carbon County Conservation District 5664 Interchange Road Lehighton PA 18235 610-377-4894
PAC540112	PAG-02 General Permit	Issued	Kevin Murphy AutoZone LLC 123 S. Front Street Memphis, TN 38103	East Norwegian Township St. Clair Borough Schuylkill County	Schuylkill Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742
PAD480085 A-1	Individual NPDES	Issued	City of Bethlehem c/o Matt Dorner 10 East Church Street Bethlehem, PA 18018-6028	City of Bethlehem Northampton County	NERO
PAC400224	PAG-02 General Permit	Issued	1852 Wyoming, LLC Brendan Johnson 28 Thorndal Circle 3rd Floor Darien, CT 06820	Wyoming Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PA670001D	Individual NPDES	Denied	Windsor Township York County 1480 Windsor Road Red Lion, PA 17356-9583	Windsor Township York County	SCRO
PAD670056	Individual NPDES	Denied	Old York Developers, LLC 1224 Mill Street Building D Suite 103 East Berlin, CT 06023	Fairview Township York County	SCRO
PAC010175	PAG-02 General Permit	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325	Tyrone Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC010035 A-1	PAG-02 General Permit	Issued	Christopher Woodward 364 Weikert Road Gettysburg, PA 17325	Highland Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636

## NOTICES

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC220153 A-1	PAG-02 General Permit	Issued	PTV 1220, LLC 400 Penn Center Boulevard Building 4 Suite 1000 Pittsburgh, PA 15235	Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220301	PAG-02 General Permit	Issued	Capital Region Water 3003 North Front Street Harrisburg, PA 17110	City of Harrisburg Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220304	PAG-02 General Permit	Issued	Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Susquehanna Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC360159 A-1	PAG-02 General Permit	Issued	Square Deal 950 LLC 1970 Broad Street East Petersburg, PA 17520	Mount Joy Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360589 A-1	PAG-02 General Permit	Issued	Elam Stoltzfus 618 Creek Road Christiana, PA 17509	Colerain Township Sadsbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360674	PAG-02 General Permit	Issued	Delmar Sensenig 446 Spring Hill Road Quarryville, PA 17566	Colerain Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360633	PAG-02 General Permit	Issued	WPE Partners LLC P.O. Box 291 Lititz, PA 17543	Lititz Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360322 A-2	PAG-02 General Permit	Issued	High Real Estate Group 1853 William Penn Way Lancaster, PA 17601	East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5



<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC380226	PAG-02 General Permit	Issued	Jeremy Horst 245 North Sheridan Road Richland, PA 17087	Millcreek Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC500034	PAG-02 General Permit	Issued	Red Hill Court, LLC 50 Red Hill Court Newport, PA 17074	Howe Township Perry County	Perry County Conservation District 31 West Main Street PO Box 36 New Bloomfield, PA 17068 717.582.8988, ext. 4
PAC500043	PAG-02 General Permit	Issued	IBS Development Corp 950 Homestead Road Newport, PA 17074	Penn Township Perry County	Perry County Conservation District 31 West Main Street PO Box 36 New Bloomfield, PA 17068 717.582.8988, ext. 4
PAC100247	PAG-02 General Permit	Issued	Giant Eagle, Inc 101 Kappa Drive Pittsburgh, PA 15238	Adams Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100023	PAG-02 General Permit	Issued	Cypress Partners, LP 3700 South Water Street Suite 150 Pittsburgh, PA 15203	Adams Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250149	PAG-02 General Permit	Issued	Sheetz Inc 817 Brookfield Drive Seven Springs, PA 16046	Erie City Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC030040	PAG-02 General Permit	Issued	Kittanning (422) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Kittanning Township Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425

### STATE CONSERVATION COMMISSION

#### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code

Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law. For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN  
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Koch's Turkey Farm 416 Valley Road Tamaqua, PA 18252	Schuylkill	375.2	3187.58	Turkeys	HQ	Approved
Paul Dotterer & Sons Inc. 410 Kryder Road Mill Hall, PA 17751	Clinton	3,219	2218.95	Dairy	HQ	Approved
L&W Farms LLC 4251 Fletcher Dr Greencastle, PA 17225	Franklin	233	392.58	Layer/ Heifer	N/A	Approved
Brechland Farms LP 3387 Mont Alto Road Fayetteville, PA 17222	Franklin	651.7	1657.45	Dairy	NA	Approved
Huber Villa Farm 5158 Tuscarora Path Loysville, PA 17047	Perry	224.2	1000.22	Swine	N/A	Approved
Timber Ridge Farm 9699 Timber Ridge Rd Big Cove Tannery, PA 17212	Fulton	12	1342.6	Finishing Swine	N/A	Approved

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This

paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### **Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

*Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2821509**, Public Water Supply.

Applicant

**Quincy Mini Mart**  
8188 Anthony Highway  
Waynesboro, PA 17268

Municipality Quincy Township  
 County **Franklin**  
 Responsible Official Tony Kumar  
 Owner  
 8188 Anthony Highway  
 Waynesboro, PA 17268

Type of Facility Replacement of existing softener, cartridge filtration, UV disinfection unit with a sodium hypochlorite disinfection system, and new contact tanks for 4-log virus inactivation.

Consulting Engineer Lee S. Zeger III, P.E.  
 CES Engineering, LLC  
 7910 Sunrise Camp Road  
 Huntingdon, PA 16652

Permit to Construct Issued November 8, 2021

**Comprehensive Operation Permit No. 7010046** issued to: **MHC Round Top II LLC (PWS ID No. 7010046)**, 180 Knight Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**, on October 19, 2021 for the operation of facilities at Round Top MHP & Campground submitted under Application No. 0121504 MA.

**Comprehensive Operation Permit No. 7670325** issued to: **Brandywine Congregation of Jehovah’s Witnesses (PWS ID No. 7670325)**, 932 Church Road, York, PA 17404, Manchester Township, **York County**, on November 9, 2021 for the operation of facilities submitted under Application No. 7670325.

*Northcentral Region: Safe Drinking Water Program, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 5319501-A1, Major Amendment.** Public Water Supply.

Applicant **Miller Group Holdings, LP**  
 950 East Main Street  
 Schuylkill Haven, PA 17972

Borough or Township Sweden Township  
 County **Potter County**

Type of Facility Public Water Supply

Consulting Engineer Edward Davis, P.E.  
 Miller Bros Const Inc.  
 950 East Main Street  
 Schuylkill Haven, PA 17972

Permit Issued November 16, 2021

**Keystone APT, LLC (Public Water Supply)**, 140 Bitterner Park Rd, Lot 42, Trout Run, PA 17771, Lewis Township, **Lycoming County**, on November 16, 2021, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Keystone APT, LLC community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Edie M. Gair, P.G., (570) 327-3779).

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

*Southcentral Region: Clean Water Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Plan Location:*

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Earl Township	19 Schoolhouse Road Boyertown, PA 19512	Berks

*Plan Description:*

The exemption from the requirement to revise the Official Plan for the Rhoads Subdivision, DEP Code No. A3-06931-110-2E, APS Id 1051949, is disapproved. The proposed subdivision consists of two new single-family residential lots to utilize individual on-lot sewage disposal systems. The proposed subdivision is located on Machamer Road in Earl Township. This plan is disapproved because it does not qualify as an exemption from the requirement to revise the Official Plan. It does not qualify because the subdivision proposes the use of on-lot sewage disposal systems in an area underlain by carbonate geology as per Chapter 71, Section 71.51(b)(1)(ii).

*Plan Location:*

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Howe Township	22 Cherry Road Liverpool PA 17045	Perry

*Plan Description:*

The request for planning exception for the Newport Convenience Store Development (DEP Code No. A3-50909-048-3E; APS ID No. 1050998) has been disapproved. The proposed development—located in Howe Township, PA—consists of sewage planning to connect one new commercial building the Howe Township Municipal Authority and Newport Borough Municipal Authority public sewer systems. This request for planning exemption has been disapproved because the submission does not qualify as an exemption from the requirement to revise the Official Plan because the proposal is not for new land development as per Chapter 71, Section 71.51(b). In addition, the project proposes the connection to or an extension of public sewers where the existing collection, conveyance or treatment facilities have an existing or a 5-year projected hydraulic or organic overload under Chapter 94 and as per Chapter 71, Section 71.51(b)(2)(ii). In addition, this project does not qualify as an exemption as it proposes the connection to or extension of a non-existing sewage system as per Chapter 71, Section 71.51(b)(2)(i).

**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 se-

lecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.*

**Delaware Generating Station**, 1325 North Beach Street, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Mark Fortna, Penn E&R, Inc., 400 Old Dublin Pike, Doylestown, PA 18901 on behalf of Tony Bates, L-A Battery QOZ, LLC, 2400 Market Street, Suite 301, Philadelphia, PA 19103 submitted a Final Report concerning remediation of site groundwater and soil contaminated with VOCs, SVOCs, PCBs and metals. The report is intended to document remediation of the site to meet the Statewide health standard/site-specific standard.

**Keystone Trade Center—Lot 27**, River Road, Fairless Hills, PA 19067, Falls Township, **Bucks County**. Jeffrey A. Smith, PG, Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103 on behalf of Andy Mace, NP Falls Township Industrial, LLC, 4825 NW 41st Street, Suite 500, Riverside, MO 64150 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan/Final Report concerning remediation of site soil contaminated with VOCs, SVOCs, PCBs, and metals. The report is intended to document remediation of the site to meet the Statewide health standard/site-specific standard.

**The Master's Baker**, 319 West Gay Street, West Chester, PA 19380, Borough of West Chester, **Chester County**. Christopher Zeliznak, PG, EnviroSure, Inc., 319 South High Street, West Chester, PA 19382 on behalf of Chad Weldon, CRW Realty, LP, 319 West Gay Street, West Chester, PA 19380 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the site-specific standard.

**Llanerch Shopping Center**, 403 West Chester Pike, Havertown, PA 19083, Haverford Township, **Delaware County**. Jason Hanna, Langan Engineering, 2400 Ansys Drive, Canonsburg, PA 15317 on behalf of Jim Bladel, Llanerch Shopping Center, LP, 1301 Lancaster Avenue, Berwyn, PA 19312 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with metals, PAHs, and VOCs. The report is intended to document remediation of the site to meet the site-specific standard.

**Keystone Place at East Falls, LLC**, 3310 Fox Street a/k/a 2905 Abbottsford Avenue, Philadelphia, PA 19129, City of Philadelphia, **Philadelphia County**. Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of Joseph A. Felici, Keystone Place at East Falls, LLC, 930 Henrietta Avenue, Suite B, Huntingdon Valley, PA 19106 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan/Final Report concerning remediation of site soil contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the site-specific standard.

*Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Stabler Center-Parcel 12**, Center Valley Parkway and Old Bethlehem Pike, Center Valley, PA 18034, Upper Saucon Township, **Lehigh County**. Pennoni, 1900 Market St, Suite 300, Philadelphia, PA, 19103, on behalf of Lehigh University, 306 S New Street, Suite 428, Bethlehem, PA 18105, submitted a revised, combined Remedial Investigation Report, Risk Assessment, and Cleanup Plan concerning remediation of soil contaminated with metals from historic mining operations. The report is intended to document remediation of the site to meet a combination of background and site-specific standards.

**LVR**, 75 West 21st Street, Northampton, PA 18067, Northampton Borough, **Northampton County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of LVR, 75 West 21st Street, Northampton, PA 18067, submitted a Final Report concerning remediation of soil contaminated by releases of petroleum from underground storage tanks. The report is intended to document remediation of the site to meet Statewide health standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environ-

mental 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:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.*

**Darien Crossing**, 700 Pattison Avenue, Suite 2, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Victoria Bisbing, Brightfields, Inc., 801 Industrial Street, Wilmington, DE 19801 on behalf of Edward Linkewich, PG, Resource Environmental Solutions, Inc., 230 South Broad Street, 17th Floor, Philadelphia, PA 19103 submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with VOCs. The Report was reviewed by the Department which issued a technical deficiency letter on November 4, 2021.

*Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Former Buck Hill Falls Garage and Maintenance Area**, 196 Golf Road/114 Rock Oak Lane, Buck Hill Falls, PA 18323, Barrett Township, **Monroe County**. Austin James Associates, P.O. Box 121, 305 Manor Drive, Pocono Manor, PA 18349, on behalf of Initram LLC, 8280 Greensboro Drive, Suite 710, McLean, VA 22102, submitted a combined Remedial Investigation Report and Final Report concerning remediation of soil and groundwater

contaminated by releases of petroleum from historic storage tanks. The Remedial Investigation Report was approved, but the Final Report was not acceptable to meet a combination of Site-Specific and Statewide health standards and was disapproved by DEP on November 18, 2021.

**Central Transport**, 6955 Chrisphalt Drive, Bath, PA 18014, East Allen Township, **Northampton County**. Moonstone Environmental, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Crown Enterprises LLC, PO Box 869, Warren, MI 48090, submitted a Final Report concerning remediation of soil contaminated by runoff of petroleum compounds from the facility's parking lot areas. The final report was not acceptable to meet Statewide health standards and was disapproved by DEP on November 23, 2021.

**DTE Susquehanna WC 14/70/28 to Bluestone AMI Pipeline**, 2334 Brushville Road, Susquehanna, PA 18847, Jackson Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company LLC, 1000 Energy Drive, Spring, TX 77389, submitted a Final Report concerning remediation of groundwater contaminated when a leaking pressure relief valve along part of a buried pipeline released an unknown volume of brine. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on November 15, 2021.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**ARG Refinery**, 77 North Kendall Avenue, Bradford, PA 16701, City of Bradford, **McKean County**. GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of American Refining Group, 77 North Kendall Avenue, Bradford, PA 16701, has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene, benzene, toluene, total xylenes, 2-methylnaphthalene, benzo[a]anthracene, anthracene, chrysene, benzidine, dibenzo[a,h]anthracene, naphthalene, benzo[a]pyrene, dibenzofuran, fluorene, antimony, arsenic, iron, lead, manganese, thallium, mercury, zinc and site groundwater contaminated with 1,1-dichloroethane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 2-butanone (MEK), 2-hexanone, benzene, chloroform, cis-1,2-dichloroethene, ethylbenzene, isopropylbenzene, methyl tert-butyl ether, n-propylbenzene, tetrachloroethene, toluene, total xylenes, trichloroethene, vinyl chloride, 2-methylnaphthalene, benzidine, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, bis[2-ethylhexyl]phthalate, dibenzofuran, indeno[1,2,3-cd]pyrene, naphthalene, pentachlorophenol, pyrene, aluminum, antimony, arsenic, barium, beryllium, cobalt, copper, iron, manganese, mercury, nickel (oxides), thallium, vanadium, and zinc. The Remedial Investigation Report was approved by the Department on November 17, 2021.

#### HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

**Draft permits issued, revised or withdrawn under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**PA6213820503. Letterkenny Army Depot**, 1 Overcash Avenue, Chambersburg, PA 17201, Letterkenny,

Green and Hamilton Townships, **Franklin County**. As required by 25 Pa. Code § 270a.80(d)(2), the Department is providing public notice of a draft hazardous waste permit issued to Letterkenny Army Depot on November 18, 2021. This permit will allow for an additional ten (10) year permit term.

Persons wishing to comment on the draft permit are invited to submit a statement to the Southcentral Regional Office within 45-days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the following:

1. Name, address, and telephone number of the writer,
2. A concise statement of the exact basis of any comment and,
3. The relevant facts upon which it is based.

A public hearing may be held if the Regional Office considers the public response significant.

In the event DEP receives written notice of opposition to the draft permit and a request for a public hearing within the comment period previously referenced, a hearing shall be scheduled. Public notice of the public hearing shall be given at least 30-days before the hearing. Any requests for a public hearing accompanied by written opposition to the draft permit should be addressed to John Oren, P.E., Waste Management Permits Section Chief at the following address.

When making a determination regarding the issuance of a hazardous waste permit to Letterkenny Army Depot, DEP will consider all written comments received during the comment period, any oral or written testimony received during the public hearing (if requested), the requirements of the hazardous waste regulations at 25 Pa. Code Chapters 260a—270a and 40 CFR 260—270 and the DEP's permitting policies.

At the time that a permit is issued, DEP also will issue a response to comments. This response will specify any provisions of the draft permit which were changed in the final permit decision and the reasons for the change. DEP will prepare a response to all significant comments on the draft permit that are raised during the public comment period or during any hearing. DEP will make the response available to the public as required in 25 Pa. Code 270a.10(c)(14).

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Further information on the application and draft permit are available by contacting John Oren, P.E., Permits Section Chief, PA DEP Southcentral Regional Office, Waste Management Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, phone (717) 705-4906. A copy of the permit application, draft permit and Statement of Basis are available for review at the Department's Southcentral Regional Office. File reviews may be scheduled by calling 717-705-4732. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

**Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.**

*Central Office: Waste Management, 14th Floor,  
400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGI005A. Merck Sharp and Dohme Corp.**, 770 Sumneytown Pike, West Point, PA 19486-0004, Upper Gwynedd Township, **Montgomery County**. Merck Sharp and Dohme Corp. submitted an application to modify its coverage under WMGI005A. The modification approves a new disinfectant agent, Virkon S, for use under WMGI005A. This change will be reflected in the Facility Specific Reference Table that is incorporated into WMGI005A. No changes to the WMGI005 permit will be made as a result of this modification of Merck Sharp and Dohme's coverage under WMGI005A. The application was received by Central Office on August 25, 2021. The modification to permit coverage was issued by Central Office on November 18, 2021.

Persons interested in obtaining more information about the general permit application may contact Jason Dunham, Environmental Engineer Specialist, Central Office, 400 Market Street, Harrisburg, PA 17105-8472, 717-787-1982. 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.**

*Northeast Region: Air Quality Program, 2 Public  
Square, Wilkes Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—  
Telephone: 570-826-2531.*

**GP4-40-003C: Pulverman**, 1170 Lower Demunds Road, Dallas, PA 18612, on November 17, 2021, for the operation of two (2) Jackson Burn Off Ovens controlled by after burner at the facility located in Dallas Township, **Luzerne 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.*

**GP14-06-03172: Kuhn Funeral Home, Inc.**, 5153 Kutztown Rd., Temple, PA 19560, on November 12, 2021, for one (1) human crematory and one (1) animal crematory, under GP14, at the facility located in Muhlenberg Township, **Berks County**. The general permit authorization was renewed.

*Northcentral Region: Air Quality Program, 208 West  
Third Street, Williamsport, PA 17701.*

Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.

**AG5A-08-00014A: Chesapeake Appalachia, LLC**, P.O. Box 18496, Oklahoma City, OK 73154, on November 17, 2021, to construct and operate one Caterpillar model G3516 4-stroke ultra-lean burn natural gas-fired engine rated at 1,380 bhp and associated reciprocating compressor as well as continue to operate existing sources pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the Folta BRA Pad located in Tuscarora Township, **Bradford County**.

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**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.**

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*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

**PA-63-00895A: Ensinger, Inc.**, 365 Meadowlands Blvd., Washington, PA 15301-8904, on November 12, 2021, the Department issued a Plan Approval PA-63-00895A to authorize the construction and temporary operation of a new "Schwing Thermal Cleaning System" equipped with an integrated emission controls at its Ensinger Washington Facility located at 365 Meadowlands Boulevard in North Strabane, **Washington County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

**15-0104E: Flowers Baking Co of Oxford, Inc.**, 700 Lincoln Street, Oxford, PA 19363-1529, on November 18, 2021 an extension of the temporary shutdown period for the new bun oven. Emissions will be controlled by a catalytic oxidizer with a 95 percent controlled efficiency in Oxford Borough, **Chester County**.

**09-0053C: Greif Packaging LLC**, 695 Louis Drive, Warminster, PA 18974-2825, on November 16, 2021, an extension of the temporary shutdown period for the new steel drum exterior paint spray booth and enclosure in Warminster Township, **Bucks County**.

**15-0081C: Johnson Matthey Inc.**, 1401 King Road, West Chester, PA 19380-1467, on November 18, 2021, an extension to allow modification to the existing Metal Room (Source ID 101) and the installation of wet and dry scrubbers (chlorine scrubbers) in **Chester 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.

**67-05083F: Calpine Mid-Merit, LLC**, 1055 Pikes Peak Road, Delta, PA 17314, on November 16, 2021, for the upgrade of the Block 2 Electricity Generation Project's nominally rated power output capacity from 760 MW to 830 MW at the York Energy Center in Peach Bottom Township, **York County**. The plan approval was extended.

**36-05014L: Arconic Lancaster Corporation**, 1480 Manheim Pike, Lancaster, PA 17601-3152, on November 10, 2021, for the replacement of two motors in the Hunter Cold Mill (Source ID 161) at the secondary aluminum production facility in Manheim Township, **Lancaster County**. Specifically, the project is for the replacement of the two existing 875 HP motors in the Hunter Cold Mill (Source ID 161) with two 1,000 HP motors. The replacement is estimated to increase the source's production by 9%. Furthermore, due to the increased production capacity on the cold mill, Arconic estimates that the actual production of downstream sources (annealing furnaces & coating line) will increase by 5%. There are no physical changes occurring to the downstream sources as they have enough capacity to handle the increased production. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.

**49-00063B: Renewal Processing, Inc.**, 10705 State Route 44, Watsontown, PA 17777, on November 16, 2021, to extend the authorization to install and operate a cartridge collector and regenerative thermal oxidizer on their bakery waste rotary dryer at their facility located in Lewis Township, **Northumberland County**, to May 19, 2022. The plan approval has been extended.

**41-00001B: Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd, Houston, TX 77056, on November 15, 2021, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from November 15, 2021 to May 14, 2022, at their Compressor Station 520 located in Mifflin Township, **Lycoming County**. The plan approval has been extended.

*Philadelphia: Air Management Services (AMS), 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 a Plan Approval to extend the temporary operation of air pollution sources at the following facility:

**IP21-001007: Southeastern Pennsylvania Transportation Authority (SEPTA)**, 4301 Wissahickon Avenue, Philadelphia, PA 19140, on November 18, 2021 was issued a Plan Approval to extend the temporary operation of two (2) natural gas fired combined heat and power units, each rated at 6,113 HP, and each controlled by a SCR and an Oxidation Catalyst System at the SEPTA's Robert Complex facility located in the City of Philadelphia, **Philadelphia County**. The extension is effective until May 29, 2022.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

**10-00079: BNZ Materials, Inc.**, 191 Front St, Zelienople, PA 16063-1088, on November 12, 2021, the Department issued the renewal Title V Operating Permit for the insulating fire brick (IFB) manufacturing facility located in Zelienople borough, **Butler County**. The manufacturing process involves the use of clay and sawdust. The air contamination sources include emissions from silos, conveyors, material transfer, machine feeders, dryers, and kilns. Other emission sources are two emergency generator engines, a solvent degreaser, a 300-gallon gasoline storage tank, and miscellaneous natural gas combustion. The facility is a major facility due to its potential to emit CO. 2020 reported emissions are as follows: 8.39 tons NO<sub>x</sub>, 86.90 tons CO, 2.90 tons VOC, 5.61 tons PM<sub>10</sub>, and 10.13 tons SO<sub>x</sub>. The natural gas-fired kiln control panel emergency generator is subject to 40 CFR Part 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The natural gas-fired emergency lighting generator is subject to 40 CFR 60 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The gasoline storage tank is subject to 40 CFR 63 Subpart CCCCC, NESHAP for Gasoline Dispensing Facilities. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

**46-00108: Highway Materials Inc./Perkiomenville Quarry**, 409 Stenton Ave, Flourtown, PA 19031, for a Non-Title V Facility, Renewal of a State-Only, Synthetic Minor Permit for their asphalt paving mixture and block manufacturing company in Marlborough Township, **Montgomery 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.

**36-05135: Stylecraft Corp.**, PO Box 740, Terre Hill, PA 17581-0740, on November 15, 2021, for the wood kitchen cabinet manufacturing facility located in Terre Hill Borough, **Lancaster County**. The State-Only permit was renewed.

**67-03098: Susquehanna Valley Cremation Services, LLC**, 863 S. George St., York, PA 17403, on November 12, 2021, for the human crematory unit at the facility located in York City, **York County**. The State-Only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

**08-00025: Richards Funeral Home, Inc.**, 502 North Keystone Avenue, South Waverly, PA 18840, on November 10, 2021, was issued a renewal State Only Operating Permit for the operation of their Northern Bradford Crematory located in South Waverly Borough, **Bradford County**. The facility's main sources are three crematory incinerators. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

**11-00423: Johnstown Wire Technologies, Inc.**, 124 Laurel Ave., Johnstown, PA 15906-2246, on November 18, 2021, the Department issued a renewal natural minor State Only Operating Permit (SOOP) for the operation of the Johnstown Wire Technologies Plant Site in the city of Johnstown, **Cambria County**.

Equipment at this facility includes a boiler plant containing four (4) natural gas-fired combustion units rated at 10 MMBtu/hr each, fifteen (15) natural gas-fired heat treating furnaces rated at a total of 98 MMBtu/hr, two (2) wire cleaning/pickling houses, an aluminizing house, four (4) Bethanizing lines, and a natural gas-fired emergency generator engine. The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The final Operating Permit includes conditions incorporating requirements for applicable emissions limitations, monitoring, work practice standards, reporting, and recordkeeping.

**56-00303: Lincoln Contracting & Equipment Co.**, 2478 Lincoln Hwy., Stoytown, PA 15531-7821, on November 9, 2021, a State Only Operating Permit (SOOP) renewal to Lincoln Contracting & Equipment Co. to authorize the continued operation of a metal fabrication and painting operation located in Somerset Township, **Somerset County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

**37-00300: North American Forgemasters**, 710 Moravia Street, New Castle, PA 16101, on November 16, 2021, the Department issued a renewal State Only Operating Permit for the facility located in New Castle, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility are 6 forge furnaces, 2 slow cooling furnaces, 2 press forge furnaces, a temper furnace, hand scarfing, an emergency generator and an immersion degreaser. The emergency generator is subject to 40 CFR 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The conditions of Plan Approval 37-300B were incorporated into this permit. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The facility emissions after taking restrictions are: 3.84 TPY; 48.9 TPY; 2.77 TPY; 0.35 TPY; and, 42.3 TPY for PM<sub>10</sub>, NO<sub>x</sub>, VOC, SO<sub>x</sub>, and CO, respectively.

**42-00246: National Fuel Gas Supply Corporation, Keelor Compressor Station**, 575 Township Line Road, Kane, PA 16735, on November 10, 2021, the Department issued the initial State-Only Operating Permit of a natural gas transmission facility located in Wetmore



Township, **McKean County**. Permitted air contamination sources at the facility are three natural gas-fired compressor engines, a natural gas-fired emergency generator, a dehydration unit, and miscellaneous fugitive emission sources. Sources at the facility were initially authorized through PA 42-246A. With respect to the sources authorized through and requirements of PA 24-246A, several changes are made. The three electrical generator turbines authorized under the plan approval were not constructed and therefore not included in the permit. The leak detection and repair (LDAR) requirements of the plan approval are less stringent than the LDAR requirements of 40 CFR 60 Subpart OOOOa and, as a result, streamlined out of the permit. For permitting purposes, the facility is Natural Minor.

**43-00308: Ergon Trucking**, 944 New Castle Mercer Road, Mercer, PA 16137, on November 3, 2021, the Department issued the renewal State Only Natural Minor Operating Permit for operation of the facility owned by Ergon Trucking located in East Lackawannock Township, **Mercer County**. The facility is a transfer station for crude oil. The potential emissions of the primary pollutants from the facility are as follows: 49.59 TPY VOC, 0.34 TPY benzene, 0.04 TPY cumene, 0.16 TPY ethylbenzene, 0.27 TPY hexane, 0.43 TPY toluene, and 0.55 TPY xylene; thus, the facility is a natural minor. The storage tanks are subject to the monitoring requirement of 40 CFR 60.116b (Subpart Kb). The facility is subject to a yearly throughput restriction of crude oil established by Plan Approval 43-308A and the loading rack is subject to a VOC emission restriction from the same plan approval. 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.

*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 a Synthetic Minor Operating Permit Renewal for the following facility:

**OP21-000011: PA Convention Center Annex**, 111 N. Broad St., Philadelphia, PA 19107, issued on November 12, 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: two (2) boilers firing natural gas or No. 2 oil each rated less than 21 MMBTU/hr, two (2) boilers firing natural gas each rated 1 MMBTU/hr, two (2) chillers firing natural gas or No. 2 oil each rated less than 9 MMBTU/hr, two (2) emergency generators firing No. 2 oil each rated 2347 HP, and one (1) emergency generator firing natural gas rated 259 HP.

**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.*

**07-05001: Roaring Spring Park, LLC**, 100 Paper Mill Road, Roaring Spring, PA 16673-1480, on November 12, 2021, for the kraft pulp and paper mill located in Roaring Spring Borough, **Blair County**. The Title V permit was administratively amended in order to reflect an ownership change.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**60-00001: Bucknell University**, 1 Dent Drive, Lewisburg, PA 17837, issued a modified State Only Operating Permit on November 18, 2021 to replace a 92 million Btu per hour, natural gas-fired duct burner incorporated in the heat recovery steam generator with a 48 million Btu per hour, natural gas-fired duct burner, to increase the amount of natural gas that may be fired in the duct burner and to discontinue operation of the duct burner in the fresh air mode, at their facility located in East Buffalo Township/Lewisburg Borough, **Union County**. The modified State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00086: Lycoming Cremation Services, LLC**, 350 Spruce Street, Montoursville, PA 17754, was issued a revised State Only (Natural Minor) Operating Permit on November 18, 2021, for a change of ownership of the Montoursville facility from LBV Professional Services, LLC to Lycoming Cremation Services LLC. This facility is located in Montoursville, **Lycoming County**. This revised State Only (Natural Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

*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) has administratively amended a Title V/State Only Operating Permit for the following facility:

**OP21-000057: Philadelphia Energy Solutions Refining and Marketing LLC (PESRM)—Schuylkill River Tank Farm Terminal (SRTF)**, 70th & Essington Avenue, Philadelphia, PA 19145, administratively amended on November 12, 2021 to incorporate a change in operational control of SRTF Terminal from Host at Philadelphia LLC (Host) to PESRM and a responsible official for the facility located in the City of Philadelphia, **Philadelphia County**. The change will take effect on December 1, 2021. Title V Operating Permit was originally issued on June 7, 2017 and administratively amended previously on April 15, 2021.

**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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**AG5A-08-00010A: Chesapeake Appalachia, LLC**, P.O. Box 18496, Oklahoma City, OK 73154-0496, on November 5, 2021, the Department terminated the General Permit for Unconventional Natural Gas Well Site

Operations and Remote Piggings Stations for the MTL pad located in the Tuscarora Township, **Bradford County**, because the proposed natural gas fired engine was never constructed.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

### Coal Permits Issued

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**Permit No. 17960108. Corey L. Shawver d/b/a Hilltop Coal Company, Inc.**, 18 Dutchtown Road, Houtzdale, PA 16651. Permit renewal for reclamation only of a bituminous surface coal mine located in Bigler Township, **Clearfield County**, affecting 13.7 acres. Receiving stream(s): Unnamed Tributaries of Muddy Run classified for the following use(s): CWF. Application received: May 12, 2021. Permit issued: November 12, 2021.

### Noncoal Permits Issued

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 61200301. Schiffer Excavating, Inc. d/b/a Cooperstown Sand & Gravel**, P.O. Box 4, Cooperstown, PA 16318. Commencement, operation, and restoration of a large industrial minerals surface mine in Sugar Creek Borough, **Venango County**, affecting 92.0 acres. Receiving stream(s): Unnamed tributary to French Creek. Application received: February 4, 2021. Permit Issued: November 4, 2021.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**NPDES No. PA0257575 (Mining Permit No. 08110304). TMT Gravel and Contracting**, 1609 Pennsylvania Avenue, Pine City, NY 14871-9100. Renewal of an NPDES permit for a large noncoal mining site located in Wells Township, **Bradford County**, affecting 65 acres. Receiving stream(s): Seely Creek classified for the following use(s): CWF, MF. Application received: May 10, 2021. Permit issued: November 12, 2021.

**NPDES No. PA0614181 (Mining Permit No. 60840401). New Enterprise Stone & Lime, Inc.**, P.O. Box 77, New Enterprise, PA 16664. NPDES modification

to add an additional Sediment Pond outfall on a noncoal surface mine in Buffalo Township, **Union County**, affecting 324.9 acres. Receiving stream(s): Buffalo Creek classified for the following use(s): TSF, MF. Application received: May 3, 2021. Permit issued: November 15, 2021.

**NPDES No. PA0115533 (Mining Permit No. 4773SM5). Hanson Aggregates Pennsylvania LLC**, 7660 Imperial Way, Allentown, PA 18195. Renewal of an NPDES permit for noncoal surface mining in Muncy Creek Township, **Lycoming County**, affecting 194.2 acres. Receiving stream(s): Unnamed tributary to Muncy Creek classified for the following use(s): CWF, MF. Application received: May 17, 2021. Permit issued: November 18, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**NPDES No. PAM121019 (Mining Permit No. 58150804). Amy Cook**, 171 State Route 2001, Nicholson, PA 18446. Coverage under the General NPDES Stormwater Permit (BMP-GP-104) for discharges associated with mining activities in Springville Township, **Susquehanna County**, receiving stream: unnamed tributary to Monroe Creek. Application received: April 19, 2021. Permit coverage issued: November 18, 2021.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### Blasting Permits Issued

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 22214110. M & J Explosives, LLC**, 104 East Main Street, Carlisle, PA 17015, construction blasting for Hershey West in Derry Township, **Dauphin County**, with an expiration date of November 3, 2022. Permit issued: November 16, 2021.

**Permit No. 36214144. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Stonybrook Phase 11 in West Donegal Township, **Lancaster County**, with an expiration date of October 31, 2022. Permit issued: November 16, 2021.

**Permit No. 48214116. Schlouch, Inc.**, P.O. Box 69, Blandon, PA 19510, construction blasting for Commerce 33 in Forks Township, **Northampton County**, with an expiration date of November 1, 2022. Permit issued: November 16, 2021.

**Permit No. 52214105. Holbert Explosives, Inc.**, 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, construction blasting for 120 Don Drive in Shohola Township, **Pike County**, with an expiration date of November 2, 2022. Permit issued: November 16, 2021.

**Permit No. 36214145. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Leon Ray Burkholder Dwelling in West Cocalico Township, **Lancaster County**, with an expiration date of December 30, 2021. Permit issued: November 17, 2021.

**Permit No. 36214146. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting

for Daniel Stoltzfus Dwelling in Ephrata Township, **Lancaster County**, with an expiration date of December 31, 2021. Permit issued: November 17, 2021.

**Permit No. 36214148. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, construction blasting for Lancaster Landfill Cell 11 in Mt. Joy Township, **Lancaster County**, with an expiration date of November 11, 2022. Permit issued: November 17, 2021.

**Permit No. 40214122. Maurer & Scott Sales, Inc.**, 122 Thomas Street, Coopersburg, PA 18036, construction blasting for Wilkes-Barre Scranton International Airport in Pittston Township, **Luzerne County**, with an expiration date of December 31, 2022. Permit issued: November 17, 2021.

**Permit No. 22214001. Demtech, LLC**, P.O. Box 249, Saxonburg, PA 16056, demolition blasting for Bridge No. EB-311 Demolition in Middletown Township, **Dauphin County**, with an expiration date of December 31, 2021. Permit issued: November 18, 2021.

**Permit No. 22214111. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, construction blasting for Core 5 Lytle Farm in Londonderry Township, **Dauphin County**, with an expiration date of November 11, 2022. Permit issued: November 18, 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.**

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E6106221-003, Venango County**, P.O. Box 831, Franklin, PA 16323. SR 0062, Section S00 Multi-modal Improvements, in the City of Franklin and Sugarcreek Borough, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 41°, 23', 49.9"; W: 79°, 49', 8.6").

Constructing and maintaining a multi-modal pedestrian path resulting in the permanent impact of 0.11-ac of PEM wetlands and the temporary impact of 0.01-ac of PEM wetlands along the west side of SR 0062, Section S00 from Elk Street to Front Street in the City of Franklin and Sugarcreek Borough, Venango County (Franklin, PA Quadrangle N: 41°, 23', 49.9"; W: 79°, 49', 8.6"). Permanent wetland impacts will be mitigated by debiting 0.11-ac from PennDOT's Polk Wetland Bank.

**E3206221-002, Penelec, A FirstEnergy Company**, 800 Cabin Hill Drive, Greensburg, PA 15601. Homer City Modular Substation Project, in Homer City Borough, **Indiana County**, ACOE Pittsburgh District (Indiana, PA Quadrangle Lat: 40.537026, Long: 79.165419).

Removing the existing structure and constructing and maintaining a 28-foot long by 9-foot wide modular electric substation within the 100-year flood plain of Two Lick Creek along Railroad Avenue (Indiana, PA Quadrangle Lat: 40.537026, Long: -79.165419) in Homer City Borough, Indiana County.

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest District: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281*

ESCGP-3 # ESX17-003-0006

Applicant Name Olympus Energy LLC  
Contact Person Brian Dillemath  
Address 501 Technology Drive Suite 1200  
City, State, Zip Canonsburg, PA 15317  
County Allegheny  
Township(s) Elizabeth

Receiving Stream(s) and Classification(s) UNT to Douglass Run (WWF), Douglass Run (WWF), UNT to Pollock Run (WWF); Pollock Run (WWF), Youghiogheny River (WWF)

ESCGP-3 # ESG076319040-01

Applicant Name EQM Gathering OPCO LLC  
Contact Person Stephanie Frazier  
Address 2200 Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Amwell & Morris Twps

Receiving Stream(s) and Classification(s) Horne Run Stream (TSF), UNTs to Horne Run (TSF), Bane Creek (TSF), Trib 40888 to Bane Creek (TSF), UNTs to Bane Creek (TSF), Fork Of Bane Creek (TSF), Trib 40877 to Fork of Bane Creek (TSF), Pleasant Valley Run (TSF), UNTs to Pleasant Valley Run (TSF), UNTs to Fork of Bane Creek (TSF);  
Secondary Receiving Waters—Tenmile Creek (TSF)

ESCGP-3 # ESG076321004-00

Applicant Name EQM Gathering OPCO LLC  
Contact Person Gregg West  
Address 2200 Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Nottingham

Receiving Stream(s) and Classification(s) Mingo Creek and UNTs to Mingo Creek (HQ-TSF);  
Secondary—Middle Monongahela River (WWF)

ESCGP-3 # ESG073021004-00

Applicant Name CNX Gas Co LLC  
Contact Person Sarah Weigand  
Address 1000 Consol Energy Drive  
City, State, Zip Canonsburg, PA 15317-6506  
County Greene  
Township(s) Richhill

Receiving Stream(s) and Classification(s) UNT to Owens Run/Wheeling Creek (WWF); Owens Run (WWF)

ESCGP-3 # ESG070419010-01

Applicant Name ETC Northeast Pipeline, LLC  
Contact Person Nicholas J Bryan  
Address 101 W Third Street, Third Floor  
City, State, Zip Williamsport, PA 17701  
County Butler, Beaver, Allegheny, Washington  
Township(s) Jackson; Raccoon, Independence, Conway Borough; Findlay; Robinson & Smith

Receiving Stream(s) and Classification(s) Bigger Run (WWF), Brush Creek (WWF), Crows Run (WWF), Elkhorn Run (WWF), Frames Run (WWF), Logtown Run (WWF), Pine Run (WWF), Potato Garden Run (WWF), Raccoon Creek (WWF), Service Creek (WWF), Shafers Run (WWF);  
Secondary Receiving Waters—Upper Ohio River (WWF)

ESCGP-3 # ESX15-059-0063

Applicant Name Rice Drilling B, LLC  
Contact Person Todd Klaner  
Address 2400 Ansys Drive Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Richhill

Receiving Stream(s) and Classification(s) UNTs to North Fork Dunkard Fork and North Fork Dunkard Fork (TSF);  
Secondary Receiving Water—North Fork Dunkard Fork (TSF)

ESCGP-3 # ESG13-059-0038

Applicant Name Rice Drilling B, LLC  
Contact Person Todd Klaner  
Address 2400 Ansys Drive Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Center & Wayne

Receiving Stream(s) and Classification(s) UNTs to Hargus Creek (HQ-WWF), Hargus Creek (HQ-WWF), UNTs to Hoovers Run (WWF), Hoovers Run (WWF); South Fork Tenmile Creek (HQ-WWF), Dunkard Creek (WWF)

ESCGP-3 # ESG076321011-00

Applicant Name CNX Gas Co LLC  
Contact Person Sarah Weigand  
Address 1000 Consol Energy Drive  
City, State, Zip Canonsburg, PA 15317-6506  
County Washington  
Township(s) East Finley

Receiving Stream(s) and Classification(s) UNT to Templeton Fox (TSF); Templeton Fork (TSF)

ESCGP-3 # ESG073021003-00

Applicant Name EQM Gathering OPCO LLC  
Contact Person Gregg West  
Address 2200 Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Springhill

Receiving Stream(s) and Classification(s) Pennsylvania Fork Fish Creek (WWF); Fish Creek in Ohio (n/a)

ESCGP-3 # ESX15-125-0030

Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address Woodcliff Drive Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Amwell

Receiving Stream(s) and Classification(s) UNT to Hufford & Hufford Run (TSF), UNT to Craynes Run (WWF), UNT to Tenmile Creek of Tenmile Creek Watershed (WWF)

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG295721006-00

Applicant Name Chesapeake Appalachia LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County Sullivan  
Township(s) Cherry

Receiving Stream(s) and Classification(s) Little Loyalsock Creek (EV-CWF, MF)  
Secondary: Loyalsock Creek (EV-CWF, MF)

ESCGP-3 # ESG290821060-00  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre PA 18840  
 County Bradford  
 Township(s) Overton  
 Receiving Stream(s) and Classification(s) UNT to Ladds  
 Creek (DA-1) (CWF-MF), UNT to Black Creek (DA-2)  
 (EV-MF)  
 Secondary: Ladds Creek (CWF-MF), Black Creek  
 (EV-MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone 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.*

**M & M SUNOCO**, 09-24405, 1102 General Washington Memorial Blvd., Washington's Crossing, PA 18977, Upper Makefield Township, **Chester County**, Marshall Geoscience, Inc., 170 East First Avenue, Colledgeville, PA 19426, on behalf of M & M Sunoco, 1102 General Washington Memorial Blvd., Washington's Crossing, PA 18977, 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 nonresidential Statewide health standards.

*Northwest Regional Office: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

*Contact: Kim Bontrager, Clerk Typist 3.*

**Chuck's Stop**, Storage Tank Facility ID # 03-24734, 737 State Route 56 E, Apollo, PA 15613, Kiskiminetas Township, **Armstrong County**. DMS Environmental Services, Inc., 103 South Spring Street, Bellefonte, PA 16823 on behalf of Charles J. Peters, III, 1860 Washington Road, Apollo, PA 15613, 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 the Statewide health standard.

**Country Fair 43**, Storage Tank Facility ID # 25-09234, 3826 Peach Street, Erie, PA 16509, City of Erie, **Erie County**. Arcadis U.S., Inc, 6041 Wallace Road Ext., Suite 300, Wexford, PA 15090, on behalf of Chevron Environmental Management Company, 1500 Louisiana Street, Houston, TX 77002, submitted a combined Remedial Action Plan and 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 the Statewide Health and Site-Specific Standards.

**Country Fair 3**, Storage Tank Facility ID # 25-91608, 347 E. 12th Street, Erie, PA 16503, City of Erie, **Erie County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Country Fair, Inc., 2251 E. 30th Street, Erie, PA 16510, 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 the Statewide health standard.

**Sheetz 75R**, Storage Tank Facility ID 10-91749, 107 Franklin Street, Slippery Rock, PA 16057, Slippery Rock Borough, **Butler County**. Envirotrac Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Sheetz, Inc., 351 Sheetz Way, Claysburg, PA 16625 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Site-Specific and Statewide health standards.

## 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 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.

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.*

**3453 Lincoln Hwy Shell**, 15-21031, 3453 Lincoln Hwy, Thorndale, PA 19372, Caln Township, **Chester County**. Resource Control Consultants, P.O. Box 180, Moorestown, NJ 08057, on behalf of ARFA Enterprises, 1800 Chapel Avenue West, Suite 10, Cherry Hill, NJ 08002, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report did not demonstrate attainment of nonresidential Statewide health and site-specific standards and was disapproved by the Department on November 16, 2021.

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## SPECIAL NOTICES

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### WATER PROGRAMS

#### EROSION AND SEDIMENT CONTROL

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.*

**ESG831521001-00.** The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

The Eagle Compressor Station Modernization Project is authorized to disturb approximately 7.74 acres of earth to modernize their existing Eagle Compressor Station operations in West Vincent Township, **Chester County**.

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG831521001-00	Columbia Gas Transmission, LLC 1700 MacCorkle Avenue, SE Charleston, WV 25314	Chester	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and federal courts are currently split on whether the proper forum to challenge a Department permit, authorization, or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. § 717 *et seq.*, is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), *cert. denied*, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

[Pa.B. Doc. No. 21-2006. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Coal Mining Reclamation Fee Amount for 2022

The Department of Environmental Protection (Department) announces the amount of the per acre Reclamation Fee for 2022. Effective January 1, 2022, the per acre Reclamation Fee will remain at \$100. The fee amount is recalculated each year in accordance with 25 Pa. Code § 86.17(e)(4) (relating to permit and reclamation fees). Refer to 25 Pa. Code § 86.17 for more detailed information.

Annual adjustments to the per acre Reclamation Fee are based on a fiscal year report that contains a financial

analysis of the revenue and expenditures from the Reclamation Fee O & M Trust Account for Fiscal Year (FY) 2020-2021. The report also provides projections for FY 2021-2022. The report was reviewed with the Department's Mining and Reclamation Advisory Board on October 21, 2021.

The final fiscal year report is available at <http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Reports/Pages/default.aspx>.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2007. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Household Hazardous Waste Education Grant Award under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grant to Allegheny County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HHW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at [mvottero@pa.gov](mailto:mvottero@pa.gov) or (717) 772-5719.

#### Act 101, Section 901 HHW Education Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Southwest	Allegheny	Allegheny County	HHW Education	\$52,000

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2008. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Proposed Request for Delegation of Authority to Implement the Federal Plan Requirements for Municipal Solid Waste Landfills that Commenced Construction on or before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014; Public Comment Period and Public Hearing

The Department of Environmental Protection (Department) is requesting delegation of authority from the United States Environmental Protection Agency (EPA) to implement the Federal Municipal Solid Waste (MSW) Landfills Plan.

Section 111 of the Clean Air Act (CAA) (42 U.S.C. § 7411) and 40 CFR 60.27(c) and (d) (relating to actions by the administrator) requires the EPA to develop, implement and enforce a Federal Plan for existing MSW landfills located in any state that does not have an approved State Plan that implements the 2016 MSW Landfills Emission Guidelines (EG). Under section 111 of the CAA, the EPA proposed a Federal Plan on August 22, 2019, to implement the 2016 EG for MSW landfills located in states that did not have approved and effective state plans at 84 FR 43745 (August 22, 2019).

On May 21, 2021, the EPA promulgated Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction on or before July 17, 2014, and have not been Modified or Reconstructed since July 17, 2014 at 86 FR 27756 (May 21, 2021). This final action implements the EPA's 2016 EG for MSW landfills adopted on August 29, 2016, in states that do not have an approved state plan implementing the EG in place by the

effective date of this Federal Plan.

Copies of the Delegation Request may be examined on the Department's web site at <http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx> under the heading Proposals Open for Comment.

The Department is seeking comments on the Request for Delegation of the Federal MSW Plan through Thursday, January 13, 2022. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

The Department will hold a public hearing regarding the Request for Delegation of the Federal MSW Plan on January 6, 2022, from 10 a.m. to 12 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Persons wishing to present testimony at the public hearing must contact Amanda Rodriguez, Bureau of Air Quality, at (717) 787-9702 or [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov) no less than 24 hours in advance of the public hearing to reserve a time. Speakers will be limited to 10 minutes and should bring a written copy of their comments.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Amanda Rodriguez at (717) 787-9702 or [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov) or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Questions related to the delegation of the Federal MSW Plan can be directed to Sean Wenrich at [sewenrich@pa.gov](mailto:sewenrich@pa.gov) or (717) 772-3979.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2009. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Amendments to Charges for Medical Records

In the notice published at 50 Pa.B. 6963 (December 5, 2020), the Department of Health (Department) published the guidelines and fees that a health care provider or facility may charge in response to a request for production of medical charts or records. This notice updates the notice published on December 5, 2020.

Under 42 Pa.C.S. §§ 6152, 6152.1 and 6155 (relating to subpoena of records; limit on charges; and rights of patients), a health care provider or facility is allowed to charge a fee in response to a request for medical charts or records. The Secretary of Health (Secretary), under 42 Pa.C.S. §§ 6152 and 6152.1, is directed to adjust annually the amounts which may be charged by the health care provider or facility.

The Secretary is directed to base these adjustments on the most recent changes in the Consumer Price Index reported annually by the Bureau of Labor Statistics of the

United States Department of Labor. For the annual period of October 31, 2020, through October 31, 2021, the Consumer Price Index was 6.2%.

Accordingly, effective January 1, 2022, the following fees may be charged by a health care facility or health care provider in response to a request for production of medical charts or records:

<i>Amount charged per page for:</i>	<i>Not to Exceed</i>
Pages 1—20	\$1.70
Pages 21—60	\$1.26
Pages 61—end	\$0.44
Microfilm copies	\$2.51
* Search and retrieval of records (cannot be charged if requestor is requesting their own personal health record)	\$25.20
Flat fees (providers may not charge the above search and retrieval fee in addition to a flat fee)	
Production of records to support any claim under Social Security or any Federal or State financial needs-based program;	\$31.94
Supplying records requested by a district attorney	\$25.20

The previously listed fees shall apply for paper copies or reproductions on electronic media whether the records are stored on paper or in electronic format.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department is not authorized to enforce these charges.

The previously listed charges, however, are subject to the following exceptions:

(1) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in:

a. The Workers' Compensation Act (77 P.S. §§ 1—1041.4 and 2501—2506) and the regulations promulgated thereunder.

b. 75 Pa.C.S. Chapter 17 (relating to Motor Vehicle Financial Responsibility Law) and the regulations promulgated thereunder.

c. A contract between an insurer and any other party.

(2) The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

(3) The charges for the production of medical records by a health care provider in response to a request made by either an individual who is the subject of the health information or the individual's personal representative is governed by the Health Insurance Portability and Accountability Act (Pub.L. No. 104-191) (HIPAA) and Federal regulations enacted under HIPAA, including (42 U.S.C. § 17935(e)) and 45 CFR 164.524 (relating to access of individuals to protect health information), as follows:



a. *Electronic health record.* Under section 13405 (42 U.S.C. § 17935), if a health care provider uses or maintains health records in an electronic format with respect to protected health information of an individual, the individual shall have a right to obtain from the health care provider a copy of the information in an electronic format. The individual also has a choice to direct the health care provider to transmit electronically a copy of the health record directly to an entity or person designated by the individual, provided that any choice is clear, conspicuous and specific. Any fee that the health care provider may impose for providing the information (or a summary or explanation of the information) in an electronic format shall not be greater than the labor costs in responding to the request. The Department of Health and Human Services has stated that the labor costs may not include costs associated with searching for and retrieving the requested information.

b. *Health record used or maintained in other types of format (for example, paper).* Under 45 CFR 164.524(c)(4), if the individual requests a copy of the protected health information or agrees to a summary or explanation of the information, the covered entity may impose a reasonable, cost-based fee, provided that the fee includes only the cost of:

(i) Labor for copying the protected health information requested by the individual, whether in paper or electronic form.

(ii) Supplies for creating the paper copy or electronic media if the individual requests that the electronic copy be provided on portable media.

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed.

(iv) Preparing an explanation or summary of the protected health information, if the individual agrees in advance to such a summary or explanation and the fees to be imposed, in accordance to 45 CFR 164.524(c)(2)(iii). Similarly, the labor costs under 45 CFR 164.524(c)(4) shall not include the cost attributable to search and retrieval of the records.

Inquiries for further clarification on this exception should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, DC 20201, (866) 627-7748, <http://www.hhs.gov/ocr/office/about/contactus/index.html>.

Questions or inquiries concerning this notice should be sent to Department of Health, Office of Legal Counsel, Room 825, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-2500.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Department of Health, Office of Legal Counsel, 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. 21-2010. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments and Supplemental Hospital Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds in Fiscal Year 2021-2022 for a class of inpatient disproportionate share hospital payments and a class of inpatient supplemental payments to Medical Assistance (MA) enrolled, qualifying inpatient acute care general hospitals. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments. The qualifying criteria and payment methodology for each payment are described in Pennsylvania's Medicaid State Plan.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual Disproportionate Share Hospital (DSH) allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

The allocation of the funds for DSH payments described as follows is contingent on the availability of Federal financial participation for these payments.

#### *Allocation of Funds*

The Department intends to allocate \$106.130 million in total funds for DSH payments to qualifying acute care general hospitals that provide enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The Department intends to allocate \$88.994 million in total funds for supplemental payments to qualifying acute care general hospitals that treat a high volume of opioid use disorder patients in their emergency rooms.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1472. (1) General Fund; (2) Implementing Year 2021-22 is \$70,974,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$808,350,000; 2019-20 Program—\$344,107,000; 2018-19 Program—\$342,544,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-2011. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Dynamite Diamond Doubler Fast Play Game 5142

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Dynamite Diamond Doubler (hereinafter “Dynamite Diamond Doubler”). The game number is PA-5142.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *DIAMOND DOUBLER BONUS*: The area at the bottom of a Dynamite Diamond Doubler ticket containing four play/prize symbols that, when played according to the instructions, determines whether the player wins a prize. The “DIAMOND DOUBLER BONUS” is played separately.

(d) *DOUBLER NUMBERS*: The four play symbols found within the “DOUBLER NUMBERS” area that, when matched against the play symbols in the “YOUR NUMBERS” area according to the instructions, determines whether the player wins double the prize shown.

(e) *DYNAMITE NUMBER*: The play symbol located at the top of a Dynamite Diamond Doubler lottery game ticket that, when matched against the play symbols in the “WINNING NUMBERS” area according to the instructions, determines whether the player wins all 20 prizes shown in the “YOUR NUMBERS” area below.

(f) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(g) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(h) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(i) *Play*: A chance to participate in a particular Fast Play lottery game.

(j) *Play Area*: The area on a ticket which contains one or more play symbols.

(k) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(l) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(n) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Dynamite Diamond Doubler ticket is \$20.

4. *Description of Dynamite Diamond Doubler Fast Play lottery game*:

(a) Dynamite Diamond Doubler lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Dynamite Diamond Doubler tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Dynamite Diamond Doubler has two ways to win a prize. A bet slip is not used to play this game.

(1) Dynamite Diamond Doubler is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol.

(2) Dynamite Diamond Doubler is also played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “DOUBLER NUMBERS” area. A player matching play symbols in this manner will win double the prize shown under the matching “YOUR NUMBERS” play symbol.

(c) Dynamite Diamond Doubler is also played by matching any of the “WINNING NUMBERS” play symbols to the “DYNAMITE NUMBER.” Players matching play symbols in this manner will win all 20 prizes shown in the “YOUR NUMBERS” area.

(d) Dynamite Diamond Doubler tickets also contain a “DIAMOND DOUBLER BONUS” area. Players matching three like prize amounts in the “DIAMOND DOUBLER BONUS” area will win that prize amount. Players matching two like prize amounts and a Diamond (DOUBLER) symbol in the “DIAMOND DOUBLER BONUS” area will win double that prize amount. The “DIAMOND DOUBLER BONUS” is played separately.

(e) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(f) Dynamite Diamond Doubler tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(g) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Dynamite Diamond Doubler ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(h) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Dynamite Diamond Doubler ticket and select the Dynamite Diamond Doubler option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Dynamite Diamond Doubler ticket characteristics:*

(a) Dynamite Diamond Doubler tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* Dynamite Diamond Doubler tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, a "DOUBLER NUMBERS" area, a "DYNAMITE NUMBER" area and a "DIAMOND DOUBLER BONUS" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, the "YOUR NUMBERS" area, the "DOUBLER NUMBERS" area and the "DYNAMITE NUMBER" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWTWTO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play/prize symbols and their captions, located in the "DIAMOND DOUBLER BONUS" area, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$1,000 (ONE THO) and a Diamond (DOUBLER) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$300,000 (THRHUNTHO).

(d) *Prizes:* The prizes that can be won in this game, are: \$20, \$30, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and \$300,000. The prizes that can be won in the "DIAMOND DOUBLER BONUS" area, are: \$20, \$30, \$40, \$50, \$100, \$200, \$500 and \$1,000. Dynamite Diamond Doubler contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to Number and description of prizes and approximate chances of winning). A player can win up to 21 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 600,000 tickets will be available for sale for the Dynamite Diamond Doubler lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Dynamite Diamond Doubler prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING

NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which the "DYNAMITE NUMBER" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in five of the "Prize" areas, a prize symbol of \$500 (FIV HUN) appears in five of the "Prize" areas, a prize symbol of \$200 (TWO HUN) appears in five of the "Prize" areas and a prize symbol of \$100 (ONE HUN) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$9,000.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DOUBLER NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which three play/prize symbols of \$1,000 (ONE THO) appear in the "DIAMOND DOUBLER BONUS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which two play/prize symbols of \$500 (FIV HUN) and a Diamond (DOUBLER) symbol appear in the "DIAMOND DOUBLER BONUS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which the "DYNAMITE NUMBER" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in two of the "Prize" areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in eight of the "Prize" areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in four of the "Prize" areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in two of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$900.

(j) Holders of tickets upon which the "DYNAMITE NUMBER" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the "Prize" areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$800.

(k) Holders of tickets upon which the "DYNAMITE NUMBER" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in two of the "Prize" areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "Prize" areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in four of the "Prize" areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in four of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in six of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$800.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the match-

ing “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which three play/prize symbols of \$500 (FIV HUN) appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which the “DYNAMITE NUMBER” play symbol matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in ten of the “Prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which the “DYNAMITE NUMBER” play symbol matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all 20 of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “DOUBLER NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which three play/prize symbols of \$200 (TWO HUN) appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which two play/prize symbols of \$100 (ONE HUN) and a Diamond (DOUBLER) symbol appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “DOUBLER NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which three play/prize symbols of \$100 (ONE HUN) appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which two play/prize symbols of \$50<sup>00</sup> (FIFTY) and a Diamond (DOUBLER) symbol appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “DOUBLER NUMBERS” play symbols and a prize symbol

of \$40<sup>00</sup> (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$80.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “DOUBLER NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$60.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(aa) Holders of tickets upon which three play/prize symbols of \$50<sup>00</sup> (FIFTY) appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “DOUBLER NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(dd) Holders of tickets upon which three play/prize symbols of \$40<sup>00</sup> (FORTY) appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$40.

(ee) Holders of tickets upon which two play/prize symbols of \$20<sup>00</sup> (TWENTY) and a Diamond (DOUBLER) symbol appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$40.

(ff) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(gg) Holders of tickets upon which three play/prize symbols of \$30<sup>00</sup> (THIRTY) appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$30.

(hh) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ii) Holders of tickets upon which three play/prize symbols of \$20<sup>00</sup> (TWENTY) appear in the “DIAMOND DOUBLER BONUS” area, on a single ticket, shall be entitled to a prize of \$20.

*7. Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

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<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>DOUBLER NUMBERS:</i>	<i>DIAMOND DOUBLER BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
		3—\$20s	\$20	14.29	42,000
\$20			\$20	14.29	42,000
		3—\$30s	\$30	40	15,000
\$30			\$30	40	15,000
\$20 × 2			\$40	100	6,000
\$20		3—\$20s	\$40	100	6,000
		2—\$20s w/ DIAMOND	\$40	33.33	18,000
		3—\$40s	\$40	100	6,000
	\$20 w/ DOUBLER NUMBER MATCH		\$40	35.71	16,800
\$40			\$40	100	6,000
\$30 + \$20			\$50	200	3,000
\$20		3—\$30s	\$50	200	3,000
\$30		3—\$20s	\$50	200	3,000
		3—\$50s	\$50	200	3,000
\$50			\$50	200	3,000
\$20 × 5			\$100	5,000	120
\$50 × 2			\$100	5,000	120
\$20	\$20 w/ DOUBLER NUMBER MATCH	2—\$20s w/ DIAMOND	\$100	1,000	600
\$20	(\$20 w/ DOUBLER NUMBER MATCH) × 2		\$100	769.23	780
\$20	\$40 w/ DOUBLER NUMBER MATCH		\$100	909.09	660
\$30	\$20 w/ DOUBLER NUMBER MATCH	3—\$30s	\$100	833.33	720
\$30 + \$20		3—\$50s	\$100	769.23	780
\$50		3—\$50s	\$100	625	960
		2—\$50s w/ DIAMOND	\$100	666.67	900
		3—\$100s	\$100	909.09	660
	\$50 w/ DOUBLER NUMBER MATCH		\$100	5,000	120
\$100			\$100	5,000	120
\$50 × 4			\$200	4,000	150
\$40 × 5			\$200	4,000	150

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>DOUBLER NUMBERS:</i>	<i>DIAMOND DOUBLER BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$20	(\$20 w/ DOUBLER NUMBER MATCH) × 2	3—\$100s	\$200	3,000	200
\$20 × 2	(\$40 w/ DOUBLER NUMBER MATCH) + (\$20 w/ DOUBLER NUMBER MATCH)	2—\$20s w/ DIAMOND	\$200	3,000	200
\$20 × 5	\$20 w/ DOUBLER NUMBER MATCH	2—\$30s w/ DIAMOND	\$200	3,000	200
\$30 × 2	\$20 w/ DOUBLER NUMBER MATCH	3—\$100s	\$200	2,400	250
\$30 × 2	(\$30 w/ DOUBLER NUMBER MATCH) + (\$20 w/ DOUBLER NUMBER MATCH)	2—\$20s w/ DIAMOND	\$200	2,400	250
\$50 × 2		3—\$100s	\$200	2,400	250
\$50 × 2		2—\$50s w/ DIAMOND	\$200	2,400	250
	(\$50 w/ DOUBLER NUMBER MATCH) × 2		\$200	4,000	150
		2—\$100s w/ DIAMOND	\$200	2,400	250
		3—\$200s	\$200	2,400	250
	\$100 w/ DOUBLER NUMBER MATCH		\$200	2,400	250
\$200			\$200	3,000	200
DYNAMITE NUMBER MATCH w/ (\$20 × 20)		2—\$50s w/ DIAMOND	\$500	12,000	50
DYNAMITE NUMBER MATCH w/ ((\$30 × 10) + (\$20 × 10))			\$500	6,000	100
\$100 × 5			\$500	12,000	50
(\$40 × 2) + (\$20 × 3)	(\$20 w/ DOUBLER NUMBER MATCH) × 4	2—\$100s w/ DIAMOND	\$500	12,000	50

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<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>DOUBLER NUMBERS:</i>	<i>DIAMOND DOUBLER BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$50 × 2	(((\$30 w/ DOUBLER NUMBER MATCH) × 2) + ((\$20 w/ DOUBLER NUMBER MATCH) × 2))	2—\$100s w/ DIAMOND	\$500	6,000	100
\$100	\$100 w/ DOUBLER NUMBER MATCH	2—\$100s w/ DIAMOND	\$500	6,000	100
\$100	(\$100 w/ DOUBLER NUMBER MATCH) × 2		\$500	6,000	100
\$200	\$50 w/ DOUBLER NUMBER MATCH	2—\$100s w/ DIAMOND	\$500	12,000	50
	(\$50 w/ DOUBLER NUMBER MATCH) × 4	3—\$100s	\$500	12,000	50
		3—\$500s	\$500	12,000	50
\$500			\$500	12,000	50
DYNAMITE NUMBER MATCH w/ ((\$100 × 2) + (\$50 × 4) + (\$40 × 4) + (\$30 × 4) + (\$20 × 6))		2—\$100s w/ DIAMOND	\$1,000	24,000	25
DYNAMITE NUMBER MATCH w/ ((\$100 × 2) + (\$50 × 8) + (\$40 × 4) + (\$30 × 2) + (\$20 × 4))		3—\$100s	\$1,000	24,000	25
DYNAMITE NUMBER MATCH w/ ((\$50 × 10) + (\$40 × 5) + (\$20 × 5))		2—\$100s w/ DIAMOND	\$1,000	60,000	10
\$500	(\$100 w/ DOUBLER NUMBER MATCH) × 2	3—\$100s	\$1,000	60,000	10
		2—\$500s w/ DIAMOND	\$1,000	120,000	5
		3—\$1,000s	\$1,000	120,000	5
	\$500 w/ DOUBLER NUMBER MATCH		\$1,000	120,000	5
\$1,000			\$1,000	120,000	5
DYNAMITE NUMBER MATCH w/ ((\$1,000 × 5) + (\$500 × 5) + (\$200 × 5) + (\$100 × 5))		2—\$500s w/ DIAMOND	\$10,000	120,000	5
\$10,000			\$10,000	120,000	5
\$300,000			\$300,000	120,000	5

When any of YOUR NUMBERS match any DOUBLER NUMBER, DOUBLE the prize shown under the matching number.

When any WINNING NUMBER matches the DYNAMITE NUMBER above, win all 20 prizes shown!

DIAMOND DOUBLER BONUS: Match 3 like amounts, win that amount. Match 2 like amounts and a "Diamond" (DOUBLER) symbol, DOUBLE that amount! DIAMOND DOUBLER BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present

the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Dynamite Diamond Doubler lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.



15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Dynamite Diamond Doubler lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Dynamite Diamond Doubler or through normal communications methods.

19. *Applicability:* This notice applies only to the Dynamite Diamond Doubler lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-2012. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Match 3 Tripler Fast Play Game 5144

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Match 3 Tripler (hereinafter "Match 3 Tripler"). The game number is PA-5144.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *GAME:* A specific, pre-defined portion of the play area, which contains four prize symbols and a "TRIPLER NUMBER" in a horizontal line that, when played according to the instructions, determines whether a player wins a prize. Each "GAME" is played separately.

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *Play:* A chance to participate in a particular Fast Play lottery game.

(h) *Play Area:* The area on a ticket, which contains one or more play symbols.

(i) *Play Symbol:* A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(j) *Prize:* A non-monetary item, money or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *TRIPLER NUMBER:* The area on a Match 3 Tripler ticket containing a number, letter, symbol or other character that, when matched against the play symbols in the "WINNING NUMBERS" area, determines whether a player triples the corresponding prize won in that "GAME."

(l) *WINNING NUMBERS:* The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbol in the "TRIPLER NUMBER" area for each "GAME," determine whether a player triples any prize won in that "GAME."

(m) *Winning ticket:* A game ticket which has been validated and qualifies for a prize.

3. *Price:* The price of a Match 3 Tripler ticket is \$1.

4. *Description of the Match 3 Tripler Fast Play lottery game:*

(a) The Match 3 Tripler lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Match 3 Tripler tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Match 3 Tripler is played by matching three like prize amounts in any of the "GAME" areas. A player matching prize symbols in this manner will win that matching prize amount. If the "TRIPLER NUMBER" in any winning "GAME" matches any of the "WINNING NUMBERS," triple the prize won for that "GAME." A bet slip is not used to play this game. Each "GAME" is played separately.

(c) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A Match 3 Tripler game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Match 3 Tripler game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Match 3 Tripler game ticket and select the Match 3 Tripler option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Match 3 Tripler ticket characteristics:*

(a) A Match 3 Tripler ticket shall contain a play area, the cost of the play, the date of sale and a bar code. Each ticket contains four "GAME" areas designated as "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately.

(b) *Play Symbols:* Each Match 3 Tripler ticket play area will contain a "WINNING NUMBERS" area and four "GAME" areas. The play symbols and their captions, located in the "WINNING NUMBERS" area and the "TRIPLER NUMBER" area in each "GAME," are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT).

(c) *Prize Symbols:* The prize symbols and their captions, located in the "GAME" areas, are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$25<sup>00</sup> (TWY FIV), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$300 (THR HUN) and \$3,000 (THR THO).

(d) *Prizes:* The prizes that can be won in this game, are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$10, \$25, \$30, \$50, \$100, \$300 and \$3,000. Match 3 Tripler contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to Number and description of prizes and approximate chances of winning). A player can win up to four times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 600,000 tickets will be available for sale for the Match 3 Tripler lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Match 3 Tripler prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which three matching prize symbols of \$3,000 (THR THO) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets upon which three matching prize symbols of \$300 (THR HUN) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets upon which three matching prize symbols of \$100 (ONE HUN) appear in any "GAME," and upon which the "TRIPLER NUMBER" play symbol in that "GAME" matches any of the "WINNING NUMBERS" play symbols, on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets upon which three matching prize symbols of \$100 (ONE HUN) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which three matching prize symbols of \$25<sup>00</sup> (TWY FIV) appear in any "GAME," and upon which the "TRIPLER NUMBER" play symbol in that "GAME" matches any of the "WINNING NUMBERS" play symbols, on a single ticket, shall be entitled to a prize of \$75.

(g) Holders of tickets upon which three matching prize symbols of \$50<sup>00</sup> (FIFTY) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which three matching prize symbols of \$30<sup>00</sup> (THIRTY) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$30.

(i) Holders of tickets upon which three matching prize symbols of \$10<sup>00</sup> (TEN DOL) appear in any "GAME," and upon which the "TRIPLER NUMBER" play symbol in that "GAME" matches any of the "WINNING NUMBERS" play symbols, on a single ticket, shall be entitled to a prize of \$30.

(j) Holders of tickets upon which three matching prize symbols of \$25<sup>00</sup> (TWY FIV) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which three matching prize symbols of \$5<sup>00</sup> (FIV DOL) appear in any "GAME," and upon which the "TRIPLER NUMBER" play symbol in that "GAME" matches any of the "WINNING NUMBERS" play symbols, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which three matching prize symbols of \$10<sup>00</sup> (TEN DOL) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which three matching prize symbols of \$3<sup>00</sup> (THR DOL) appear in any "GAME," and upon which the "TRIPLER NUMBER" play symbol in that "GAME" matches any of the "WINNING NUMBERS" play symbols, on a single ticket, shall be entitled to a prize of \$9.

(n) Holders of tickets upon which three matching prize symbols of \$2<sup>00</sup> (TWO DOL) appear in any "GAME," and upon which the "TRIPLER NUMBER" play symbol in that "GAME" matches any of the "WINNING NUMBERS" play symbols, on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets upon which three matching prize symbols of \$5<sup>00</sup> (FIV DOL) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which three matching prize symbols of \$3<sup>00</sup> (THR DOL) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$3.

(q) Holders of tickets upon which three matching prize symbols of \$1<sup>00</sup> (ONE DOL) appear in any "GAME," and upon which the "TRIPLER NUMBER" play symbol in that "GAME" matches any of the "WINNING NUMBERS" play symbols, on a single ticket, shall be entitled to a prize of \$3.

(r) Holders of tickets upon which three matching prize symbols of \$2<sup>00</sup> (TWO DOL) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which three matching prize symbols of \$1<sup>00</sup> (ONE DOL) appear in any "GAME," on a single ticket, shall be entitled to a prize of \$1.

(t) Holders of tickets upon which three matching prize symbols of FREE (TICKET) appear in any "GAME," on a single ticket, shall be entitled to a prize of one Match 3 Tripler Fast Play Game Ticket.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When You Match 3 Like Prize Amounts In Any "GAME," Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
3—FREEs	FREE \$1 TICKET	10	60,000
3—\$1s	\$1	20	30,000
(3—\$1s) × 2	\$2	58.82	10,200
3—\$2s	\$2	66.67	9,000
(3—\$1s) × 3	\$3	200	3,000
(3—\$2s) + (3—\$1s)	\$3	200	3,000
3—\$1s w/ TRIPLER NUMBER	\$3	50	12,000
3—\$3s	\$3	200	3,000
(3—\$3s) + (3—\$2s)	\$5	500	1,200
(3—\$1s w/ TRIPLER NUMBER) + ((3—\$1s) × 2)	\$5	333.33	1,800
(3—\$1s w/ TRIPLER NUMBER) + (3—\$2s)	\$5	333.33	1,800
3—\$5s	\$5	500	1,200
(3—\$2s w/ TRIPLER NUMBER) + ((3—\$2s) × 2)	\$10	1,000	600
(3—\$2s w/ TRIPLER NUMBER) + (3—\$1s w/ TRIPLER NUMBER) + (3—\$1s)	\$10	1,000	600
(3—\$3s w/ TRIPLER NUMBER) + (3—\$1s)	\$10	909.09	660
3—\$10s	\$10	1,000	600
((3—\$10s) × 2) + (3—\$3s) + (3—\$2s)	\$25	3,000	200
((3—\$3s w/ TRIPLER NUMBER) × 2) + (3—\$5s) + (3—\$2s)	\$25	2,000	300
((3—\$3s w/ TRIPLER NUMBER) × 2) + (3—\$2s w/ TRIPLER NUMBER) + (3—\$1s)	\$25	2,000	300
(3—\$5s w/ TRIPLER NUMBER) + (3—\$3s w/ TRIPLER NUMBER) + (3—\$1s)	\$25	2,400	250
3—\$25s	\$25	3,000	200
(3—\$10s) × 3	\$30	2,400	250
(3—\$5s w/ TRIPLER NUMBER) + (3—\$10s) + (3—\$3s) + (3—\$2s)	\$30	1,714	350
(3—\$5s w/ TRIPLER NUMBER) × 2	\$30	1,500	400
3—\$10s w/ TRIPLER NUMBER	\$30	1,500	400
3—\$30s	\$30	2,400	250
((3—\$10s) × 2) + (3—\$25s) + (3—\$5s)	\$50	12,000	50

<i>When You Match 3 Like Prize Amounts In Any "GAME," Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
(3—\$25s) × 2	\$50	12,000	50
(3—\$5s w/ TRIPLER NUMBER) + (3—\$3s w/ TRIPLER NUMBER) + (3—\$25s) + (3—\$1s)	\$50	3,000	200
(3—\$10s w/ TRIPLER NUMBER) + (3—\$5s w/ TRIPLER NUMBER) + (3—\$3s) + (3—\$2s)	\$50	4,000	150
3—\$50s	\$50	12,000	50
((3—\$25s) × 2) + (3—\$50s)	\$100	24,000	25
(3—\$50s) × 2	\$100	24,000	25
((3—\$10s w/ TRIPLER NUMBER) × 2) + (3—\$5s w/ TRIPLER NUMBER) + (3—\$25s)	\$100	12,000	50
(3—\$25s w/ TRIPLER NUMBER) + (3—\$5s w/ TRIPLER NUMBER) + (3—\$3s w/ TRIPLER NUMBER) + (3—\$1s)	\$100	8,000	75
3—\$100s	\$100	24,000	25
3—\$100s w/ TRIPLER NUMBER	\$300	120,000	5
3—\$300s	\$300	120,000	5
3—\$3,000s	\$3,000	120,000	5

When you match 3 like prize amounts AND the TRIPLER NUMBER for that GAME matches any WINNING NUMBER, TRIPLE the prize won for that GAME. Each GAME is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

- (2) A claim form is properly and fully completed;
- (3) The identification of the claimant is confirmed; and
- (4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).
- (e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.
- (f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Match 3 Tripler lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Match 3 Tripler lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket

that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Match 3 Tripler or through normal communications methods.

19. *Applicability:* This notice applies only to the Match 3 Tripler lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-2013. Filed for public inspection December 3, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Money Bag Bonus Fast Play Game 5143

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Money Bag Bonus (hereinafter "Money Bag Bonus"). The game number is PA-5143.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery

Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(f) *MONEY BAG*: The visual representation of a “MONEY BAG” printed around certain play symbols in the “YOUR NUMBERS” area. When five “MONEY BAG” symbols appear in the “YOUR NUMBERS” area, the player wins a prize of \$50.

(g) *MONEY BAG BONUS*: The area at the bottom of a Money Bag Bonus lottery game ticket containing three play symbols that, when played according to the instructions, determines whether the player wins a prize of \$10, \$15 or \$25. “MONEY BAG BONUS” is played separately.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket, which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *PRIZE LEGEND*: The area at the bottom of a Money Bag Bonus lottery game ticket that shows a player the corresponding prize that can be won by matching different winning scenarios in the “MONEY BAG BONUS” area.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(n) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Money Bag Bonus ticket is \$5.

4. *Description of the Money Bag Bonus Fast Play lottery game*:

(a) The Money Bag Bonus lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Money Bag Bonus tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Money Bag Bonus is played by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the “YOUR NUMBERS” play symbol. If five “MONEY BAG” symbols appear in the “YOUR NUMBERS” area, the player wins a prize of \$50. A bet slip is not used to play this game.

(c) Money Bag Bonus lottery game tickets also contain a “MONEY BAG BONUS” area. If a Stack of Coins symbol, a Stack of Money symbol or a Gold Bar symbol appears in the “MONEY BAG BONUS” area, the player wins the corresponding prize shown in the “PRIZE LEGEND.” The “MONEY BAG BONUS” is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A Money Bag Bonus game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Money Bag Bonus game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Money Bag Bonus game ticket and select the Money Bag Bonus option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

#### 5. *Money Bag Bonus ticket characteristics*:

(a) A Money Bag Bonus ticket shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Each Money Bag Bonus ticket play area will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “MONEY BAG BONUS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE) and 30 (THIRTY). The play symbols and their captions, located in the “YOUR NUMBERS” area and printed on a “MONEY BAG,” are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE) and 30 (THIRTY). The play symbols, located in the “MONEY BAG BONUS” area, are: Diamond Ring, Credit Card, Wallet, Gem, Key, Money Roll, Stack of Coins, Stack of Money and a Gold Bar symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

(d) *Prizes*: The prizes that can be won in this game, are: \$5, \$10, \$15, \$25, \$50, \$100, \$200, \$500, \$1,000 and \$50,000. The prizes that can be won in the “MONEY BAG BONUS” area, are: \$10, \$15 and \$25. For a complete list of prizes, and how those prizes can be won, see section 7

(relating to Number and description of prizes and approximate chances of winning). A player can win up to nine times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 600,000 tickets will be available for sale for the Money Bag Bonus lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Money Bag Bonus prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears in the “Prize” area under the matching “YOUR NUMBERS” symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup>

(FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any five of the “YOUR NUMBERS” play symbols appear within a “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which a Gold Bar symbol appears in the “MONEY BAG BONUS” area, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which a Stack of Money symbol appears in the “MONEY BAG BONUS” area, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which a Stack of Coins symbol appears in the “MONEY BAG BONUS” area, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>MONEY BAG BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$5		\$5	8.89	67,500
\$5 × 2		\$10	50	12,000
	\$10 w/ STACK OF COINS	\$10	25	24,000
\$10		\$10	50	12,000
\$5 × 3		\$15	200	3,000
\$5	\$10 w/ STACK OF COINS	\$15	125	4,800
\$10 + \$5		\$15	200	3,000

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>MONEY BAG BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
	\$15 w/ STACK OF MONEY	\$15	66.67	9,000
\$15		\$15	200	3,000
\$5 × 5		\$25	1,000	600
\$5	(\$10 w/ STACK OF COINS) × 2	\$25	200	3,000
\$10	\$15 w/ STACK OF MONEY	\$25	200	3,000
\$15	\$10 w/ STACK OF COINS	\$25	200	3,000
	(\$15 w/ STACK OF MONEY) + (\$10 w/ STACK OF COINS)	\$25	200	3,000
	\$25 w/ GOLD BAR	\$25	163.93	3,660
\$25		\$25	1,000	600
\$10 × 5		\$50	10,000	60
(\$10 × 2) + \$5	\$25 w/ GOLD BAR	\$50	10,000	60
(\$10 × 2) + (\$5 × 4)	\$10 w/ STACK OF COINS	\$50	10,000	60
\$25	\$25 w/ GOLD BAR	\$50	10,000	60
	(\$25 w/ GOLD BAR) + (\$15 w/ STACK OF MONEY) + (\$10 w/ STACK OF COINS)	\$50	1,000	600
	(\$25 w/ GOLD BAR) × 2	\$50	10,000	60
\$50 w/ FIVE MONEY BAGS		\$50	270.27	2,220
\$50		\$50	10,000	60
\$25 × 4		\$100	24,000	25
\$10 × 5	(\$25 w/ GOLD BAR) + (\$15 w/ STACK OF MONEY) + (\$10 w/ STACK OF COINS)	\$100	24,000	25
\$25	(\$25 w/ GOLD BAR) × 3	\$100	24,000	25
\$50 w/ FIVE MONEY BAGS	(\$25 w/ GOLD BAR) × 2	\$100	3,000	200
(\$50 w/ FIVE MONEY BAGS) + (\$5 × 5)	(\$15 w/ STACK OF MONEY) + (\$10 w/ STACK OF COINS)	\$100	3,000	200
(\$50 w/ FIVE MONEY BAGS) + (\$10 × 4)	\$10 w/ STACK OF COINS	\$100	4,000	150
(\$50 w/ FIVE MONEY BAGS) + \$50		\$100	2,400	250



<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>MONEY BAG BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$50 w/ FIVE MONEY BAGS	(\$25 w/ GOLD BAR) + (\$15 w/ STACK OF MONEY) + (\$10 w/ STACK OF COINS)	\$100	2,400	250
\$100		\$100	24,000	25
\$50 × 4		\$200	120,000	5
(\$50 w/ FIVE MONEY BAGS) + (\$25 × 5)	\$25 w/ GOLD BAR	\$200	60,000	10
(\$50 w/ FIVE MONEY BAGS) + \$50 + \$25 + \$15 + \$5	(\$25 w/ GOLD BAR) + ((\$15 w/ STACK OF MONEY) × 2)	\$200	24,000	25
(\$50 w/ FIVE MONEY BAGS) + (\$50 × 2) + (\$15 × 2)	(\$10 w/ STACK OF COINS) × 2	\$200	40,000	15
\$200		\$200	120,000	5
\$500 × 2		\$1,000	120,000	5
(\$50 w/ FIVE MONEY BAGS) + (\$50 × 2) + \$500 + \$200 + \$100	(\$25 w/ GOLD BAR) + (\$15 w/ STACK OF MONEY) + (\$10 w/ STACK OF COINS)	\$1,000	120,000	5
\$1,000		\$1,000	120,000	5
\$50,000		\$50,000	120,000	5

When five "MONEY BAG" symbols appear in the YOUR NUMBERS area, win \$50 instantly!

MONEY BAG BONUS: When a "Stack of Coins," "Stack of Money," or "Gold Bar" symbol appear in the MONEY BAG below, win corresponding prize shown in the PRIZE LEGEND. MONEY BAG BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a

winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Money Bag Bonus lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Money Bag Bonus lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Money Bag Bonus or through normal communications methods.

19. *Applicability:* This notice applies only to the Money Bag Bonus lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-2014. Filed for public inspection December 3, 2021, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The December 21, 2021, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Tuesday, January 18, 2022. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

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 "Environmental Quality Board").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the January 18, 2022, meeting can be directed to Laura Griffin at laurgriffi@pa.gov or (717) 783-8727.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727 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. 21-2015. Filed for public inspection December 3, 2021, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Homeowner's Emergency Mortgage Assistance Program; No Longer in a Period of High Unemployment

On October 22, 2021, it was announced by the Department of Labor and Industry (Department) that the Commonwealth's seasonally adjusted unemployment rate for September 2021 was 6.2%. It was previously announced by the Department that the August 2021 unemployment rate was 6.4% and that the July 2021 rate was 6.5%. Thus the average unemployment rate for the 3-month period of July, August and September 2021 was 6.4%.

Section 405-C(f.1) of the Housing Finance Agency Law (35 P.S. § 1680.405c) provides as follows:

*Section 405-C*

\* \* \* \* \*

(f.1) The twenty-four (24) month limit on assistance available under this act established in subsection (f) and referenced in sections 401-C(a)(5), 403-C(f) and 404-C(a)(5) and (12) shall increase to thirty-six (36) months if during the month the homeowner submits an application for assistance the average rate of total unemployment in the Commonwealth, as seasonally adjusted, for the period consisting of the most recent three (3) months for which such data for the Commonwealth is published before the close of such month equals or exceeds six and one-half (6.5) percent.

Similarly, Section 406-C(2.1) provides as follows:

*Section 406-C*

\* \* \* \* \*

(2.1) The forty (40) percent ratio established under paragraphs (1) and (2) shall be reduced to thirty-five (35) percent if during the month the homeowner submits an application for assistance the average rate of total unem-

ployment in the Commonwealth, as seasonally adjusted, for the period consisting of the most recent three (3) months for which such data for the Commonwealth is published before the close of such month equals or exceeds six and one-half (6.5) percent.

\* \* \* \* \*

In furtherance of the statutory provisions, the Housing Finance Agency's (Agency) published Guidelines for the Homeowner's Emergency Mortgage Assistance Program (Program) (12 Pa. Code §§ 31.201—31.211 (relating to policy statement of Homeowner's Emergency Assistance Program)) provide in 12 Pa. Code § 31.210 (relating to periods of high unemployment) as follows:

**§ 31.210. Periods of high unemployment.**

(a) *Months of assistance available.* The 24 month limit on mortgage assistance available under § 31.203(d), and the 24 month periods referred to in §§ 31.202(d)(1), 31.203(a)(3)(ii), 31.204(c)(2) and 31.206(a) and (d)(2) shall increase to 36 months if during the month the homeowner submits an application for assistance the Agency has determined that a period of high unemployment exists.

(b) *Housing expense formula.* The 40% ratio referred to in §§ 31.204(c) and (e) and 31.205(c)(3) (relating to agency review; and financial hardship due to circumstances beyond the homeowner's control) shall be reduced to 35% if during the month the homeowner submits an application for assistance the Agency has determined that a period of high unemployment exists.

(c) *Definition; declaration.* There shall be a "period of high unemployment" if the average rate of unemployment in this Commonwealth equals or exceeds 6.5%. This determination will be made by the Agency on a monthly basis based upon seasonally adjusted unemployment figures for the most recent 3 months for which the data for this Commonwealth is published. If the Agency determines that a period of high unemployment exists, the Agency will immediately publish a notice to that effect in the *Pennsylvania Bulletin* consistent with this section.

On June 27, 2020, the Agency published a notice at 50 Pa.B. 3187 (June 27, 2020) announcing that a Period of High Unemployment existed and that the 36-month and 35% figures would be applicable to applications received during the month of May 2020. The notice also indicated that the Agency would continue to monitor unemployment figures on a monthly basis and if the 3-month calculation would produce an average result of less than 6.5% the Agency would publish a new notice to inform the public that the Commonwealth is no longer in a period of high unemployment and that the 36-month and 35% figures are changed back to 24 months and 40%, respectively.

As indicated previously, the average unemployment rate for the 3-month period of July, August and September 2021 was 6.4%. Consequently, the 24 month and 40% provisions will be applicable to applications received on or after October 1, 2021.

ROBIN L. WIESSMANN,  
*Executive Director*

[Pa.B. Doc. No. 21-2016. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

*Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective November 17, 2021*

Department of Education # 6-339: Postsecondary Distance Education Reciprocity (rescinds 22 Pa. Code Chapter 741 and adds Chapter 741a)

State Registration Board for Professional Engineers, Land Surveyors and Geologists # 16A-4715: Licensure by Endorsement (amends 37 Pa. Code Chapter 37.1 and adds Chapters 37.20 and 37.20a)

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 21-2017. Filed for public inspection December 3, 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>
16A-5218	State Board of Optometry License by Optometry 51 Pa.B. 6046 (September 18, 2021)	10/18/21	11/17/21
6-349	Department of Education Charter Schools and Cyber Charter Schools 51 Pa.B. 6032 (September 18, 2021)	10/18/21	11/17/21

#### State Board of Optometry Regulation # 16A-5218 (IRRC # 3314)

#### License by Endorsement November 17, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the September 18, 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 Optometry (Board) to respond to all comments received from us or any other source.

#### 1. Comments, objections or recommendations of a committee.

The House Professional Licensure Committee (Committee) has submitted comments to this Commission and the Board identifying numerous issues related to the following provisions:

- Section 23.27a(a)(1)(i) requires an applicant to submit a copy of the current law and regulations along with the scope of practice requirements in the jurisdiction that issued a license, certificate, registration or permit. Act 41 of 2019 does not explicitly state this requirement and the committee recommends changes that remove this responsibility from the applicants and apply it to the Board.

- Section 23.27a(a)(4) states that an applicant must not have any discipline by the jurisdiction that issued the license, certificate, registration or permit. The Committee recommends clarifying this section to specify the types of discipline and time frame when such discipline occurred.

- Section 23.27b(b)(1) would give the Board the authority to issue a provisional license for less than a year. The Committee asserts that it is unclear under what circumstances the Board would need to exercise this authority. The Committee asks why the Board would issue a license for less than a year as it is not addressed in Act 41 of 2019.

- Section 23.27b(c) stipulates that a provisional license expires upon denial of full licensure or failure to comply with terms of the provisional license. The Committee suggests this section also include the expiration date of the provisional license upon issuance of the license.

- Section 23.27(b)(d) states that the Board will not issue subsequent provisional licenses after the provisional licenses expire. The Committee believes that this section is vague. Further Act 41 of 2019 does not specifically state that the Board shall only issue one provisional license. The Committee recommends that this section be amended to correct the “unintended harm” of limiting provisional licenses and further suggests incorporating a time frame to re-apply.

Under the RRA, the comments, objections or recommendations of a Committee is one of the criteria this Commission must consider when determining if a regulation is in the public interest. When this proposal is delivered as a final-form regulation to the Commission and the Committees for review, the issues raised by the Committee, and the Board’s response to those issues, will be one of the criteria used by this Commission to determine if the regulation is in the public interest.

## 2. Compliance with the RRA.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed regulation and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis Form (RAF) (71 P.S. § 745.5(a)). The information contained in the Regulatory Analysis Form (RAF) is not sufficient to allow this Commission to determine if the regulation is in the public interest.

Section 23.27a(1)(ii) requires an applicable law, regulation or rule that is in a language other than English to be translated, at the applicant's expense, by a professional translation service and verified to be accurate. The Board's response to Regulatory Analysis Form # 19 does not provide a specific estimate of the costs to the regulated community for translation of an applicable law, regulation or rule.

RAF # 14 requires the promulgating agency to describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups in the development and drafting of the regulation. It also requires the agency to list the specific persons and/or groups that were involved. The Board's response states that it sent an exposure draft to "stakeholders and interested parties" in February 2020. We ask the Board, when it submits the final version of this rulemaking, to provide an updated RAF that includes an estimate of the costs associated with translation and a list of specific persons and/or groups involved in the development and drafting of the proposal.

## 3. Miscellaneous.—Clarity.

We recommend the title of Chapter 23 (relating to license by reciprocity and interstate certification) be amended to reflect the proposed content pertaining to licensure by endorsement.

### Department of Education Regulation # 6-349 (IRRC # 3315)

#### Charter Schools and Cyber Charter Schools

November 17, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the September 18, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Department of Education (Department) to respond to all comments received from us or any other source.

### 1. Statutory authority; Determining whether the regulation conforms to the intention of the General Assembly; Comments, objections, or recommendations of a committee.

The Department states in the Preamble that this proposed regulation will promote transparency, equity, quality, and accountability in the implementation of the Charter School Law (CSL) provisions relating to the establishment of new charter school entities and the governance and operation of existing charter school entities.

The proposal has generated significant interest from the regulated community and members of the General Assembly. We received comments from Rep. Curt Sonney, Chairman of the House Education Committee and Sen. Tim Kearney. The Senate Education Committee (Committee) voted to submit comments at their meeting and submitted the formal comment letter on November 8, 2021. We also received a separate letter from the Democratic Chair and members of the Committee dated November 16, 2021. Commenters and legislators have provided input both for and against this proposed regulation. Chairman Sonney comments that several provisions of the regulation are contrary to the intent of the law, lack clarity, and impose unreasonable requirements on charter schools and cyber charter schools. Sen. Kearney comments that the regulation is a step forward, but there are gaps in the regulation on how the standard application process for charters will compare to local charter school applicants, how renewals of applications will occur, what a random selection process should look like, and what criteria should be considered in the fiscal management and audit requirements, amongst other concerns. The Committee comments dated November 8 express concern with many aspects of the proposed regulation as follows:

- Despite the introduction of numerous bills and ongoing discussions related to charter and cyber charter school reform in the Legislature, the Department has circumvented the legislative process through proposed regulation # 6-349, which goes beyond the scope of providing clarifications to the [CSL] and instead institutes policy changes that have the effect of creating new law.

- During the October 20, 2021 [Committee] hearing, [the Department] testified that regulations are intended to "clarify and provide some more parameters around the current law," but this proposed regulation goes well beyond clarifying the law and in some cases makes policy decisions of such a substantial nature that they must be addressed through legislation. For example, [Section 1719-A of the [CSL] establishes the minimum requirements for charter school applications and [Section] 1717-A(e)(2) of the [CSL] permits an authorizing school district to consider additional criteria and information from the charter school applicant...It is not for [the Department] to expand those minimum requirements provided in statute and overstep the role of the authorizing local school board of directors and the legislature to establish new minimum standards as it attempts to do in [Section] 713.2 of the proposed regulation.

- Section 17-1702-A of the [CSL] clearly lays out the intent of the General Assembly to improve pupil learning, increase learning opportunities, encourage innovative teaching methods, create professional opportunities for teachers, provide parents and pupils with expanded educational choices and hold these schools accountable. It is deeply concerning to this Committee to have received testimony that indicates these proposed regulations will have a net opposite effect to the Legislature's intent and may lead to additional closures of schools, many of whom are small, single site, minority[-]operated and [-]attended charter schools—thereby reducing, rather than expanding, school choice.

- Section 713.9, which requires charter [schools] and cyber charter schools to provide the same level of health care benefits as the benefits provided to teachers at the authorizing school district, is in dire need of clarification as this could have significant financial and practical impacts to charter schools and their employees.

- The need for [S]ection 713.9 is also unclear because, as was stated during the hearing, there is fierce competition amongst school entities for certified educators, so benefits packages need to be competitive. Moreover, complaints regarding the quality of health care plans being offered by charters are rare.

- . . . [S]ection 713.3 requires cyber charter schools to utilize a Department form for applications and it should be plainly stated that cyber charter applicants that have already submitted their applications to the Department prior to the effective date of the regulations will not need to submit a new application and the original application will be honored. It is unclear to the committee and stakeholders how changes to the application requirements will ultimately impact the renewal process.

- . . . , the economic and fiscal impact to the regulated community remains in question. While [the Department] reports “modest costs” to charter school entities in section 18 of the Regulatory Analysis Form (RAF), stakeholders have indicated these estimates are inaccurate.

- Due to the overwhelmingly negative impact the proposed regulations would have on charter schools, especially smaller and minority[-]operated charter schools, we strongly urge the Department to abandon further development of these proposed regulations and work with members of the legislature to achieve consensus on reform through the legislative process.

The letter from the Democratic Chair and members of the Committee dated November 16 supports the proposed regulation and offers the following comments:

#### *Charter Applications (713.2-3)*

- Districts that elect to create their own form with additional information should be permitted to require use of the local form.

- The application should include plans for culturally responsive and sustaining education.

- The application should require a letter of intent to provide property for the proposed charter school as proof that an adequate facility will be available.

- The application should require plans for facility cost payment, specifically the use of state moneys from the charter school facility lease reimbursement project and the charter school facility grant program.

- The application should include plans for induction programming to ensure that the applying charter is aware and prepared for this state requirement, which leads to higher retention rates of educators.

- The regulation should provide more clarity about what charter operators should include in their “[p]lans for meeting the needs of . . . students with disabilities[.]” Specifically, charter operators should have to indicate how they will: (1) comply with their Child Find obligations; (2) assess students’ growth and progress and need for new or changed services; and (3) handle student discipline when a child’s behavior is a manifestation of his/her disability.

#### *Ensuring Equitable Enrollment (713.4-5)*

- The charter’s random selection policies must describe how their admission practices will comply with federal and state nondiscrimination law.

- Public notice of the selection process should include the number of available slots and the number of applicants.

- Data required in the annual reports should be disaggregated in a way that is consistent with the disaggregation requirement under PA’s ESSA Consolidated State Plan.

- Further instruction should be provided on criteria for a random selection process to build greater trust in the process and to prevent abuse.

#### *Accountability and Ethics Requirements for Board of Trustees (713.6)*

- The board of trustees should include at least one parent of a student currently attending the school as a representative on the Board.

#### *Fiscal and Auditing Standards (713.7)*

- Requirements should align with generally accepted standards of fiscal management, which include but is limited to audits and preparation of financial statements.

#### *Redirection (713.8)*

- The proposed 10-day process for redirection is not enough time to review and verify residency and enrollment data, especially giving limited staffing resources of many districts and the number of students that may be attending different charters. A longer timeframe is needed.

#### *Health Care Parity (713.9)*

- The proposed regulations will allow a cyber or regional charter school to strategically move their administrative offices to an area where health care benefits are more advantageous to them. The regulations should be clarified so that these schools are administered in a single central office.

- Further clarity is also needed about complaint process, especially around the authority and remedies available to the authorizing entity when notified of a health care parity violation. An alternative may be to establish a complaint process at PDE, as is in place for other violations.

- The regulations need to be revised to ensure that they do not negatively impact the right of workers to organize and collectively bargain their benefits.

#### *New Provisions on Renewals*

- The regulations need new provisions on the renewal process, which should include assessment of how students have performed at charters operated by current applicant and composition of student population by race, ethnicity, economically disadvantaged, students with disabilities, and type of disability.

- The new renewal process should detail how the charter proposes to improve student outcomes if a charter is renewed, but its performance needs improvements.

The Committee letter dated November 8, like many commenters, asserts that the Department is seeking to change the CSL through the proposed regulation. That letter encourages the Department to withdraw the proposed regulation and engage the General Assembly in comprehensive charter school reform. Several commenters made similar requests.

Under the RRA, the comments, objections, or recommendations of a committee and written comments submitted by current members of the General Assembly are two of the criteria the Commission must consider when determining if a regulation is in the public interest. Our comments below address many of the issues raised by the Committee and legislators. When this proposal is deliv-

ered as a final-form regulation to this Commission and the standing committees for review, we will evaluate the Department's responses to the issues raised by the Committee and legislators in determining whether the regulation is in the public interest.

## 2. Compliance with the RRA.

Commenters assert that the Department did not seek input from all major stakeholders in drafting the proposed regulations. Section 2 of the RRA, pertaining to legislative intent, provides the following directive: "To the greatest extent possible, this act is intended to encourage the resolution of objections to a regulation and the reaching of a consensus among the commission, the standing committees, interested parties and the agency." 71 P.S. § 745.2(a). We strongly encourage the Department to organize additional stakeholder meetings with representatives from all segments of the commenters and the regulated community. This would allow the Department and the regulated community an opportunity to resolve as many remaining concerns as possible prior to the submittal of the final-form regulation.

## 3. Section 713.1. Definitions.—Statutory authority; Clarity; Reasonableness.

### *Authorizer*

The Department includes as part of the definition of "authorizer" "[t]he Department, for a cyber charter school." Is the Department also the authorizer of a multiple charter school organization? If so, we ask the Department to clarify the definition of "authorizer" to identify the Department also as an authorizer of a multiple charter school organization.

### *Educational management service provider*

The Department proposes to define "educational management service provider" as:

A nonprofit or for-profit charter management organization, education management organization, school design provider, business manager or any other entity or individual that enters into a contract or agreement with a charter school entity to provide educational design, business services, management or personnel functions or to implement the charter. The term may not include a charter school foundation.

We note that Section 5-501(b)(3) of the Public School Code defines "education management service provider" similarly but does not include the language encompassing any other individual who contracts with a charter school to implement the charter. 24 P.S. § 5-501(b)(3). Commenters raise various concerns related to the language encompassing any other entity or individual who contracts with a charter school to implement the charter. For example, are there services that an entity or individual can contract to provide to a charter school without being regarded as an educational management service provider? Would teachers, administrators, and administrative staff that enter into employment contracts with a charter school be regarded as an educational management service provider? What is the Department's statutory authority to expand on the definition in the Public School Code? Why is such an expansion necessary, and how is it enforceable?

### *English learner*

The Department proposes to define "English learner" as a student with limited English language proficiency who meets certain criteria. Commenters assert that the proposed definition does not mirror the Federal definition and, therefore, likely would be preempted by Federal law.

We ask the Department to amend the definition at final to mirror Federal law for clarity and consistency or to explain the reasonableness of the proposed definition.

## 4. Section 713.2. Contents of charter school or regional charter school application.—Statutory authority; Clarity; Reasonableness; Implementation procedures.

The Department states in the Preamble that this section "seeks to promulgate regulations related to the content of a charter school or regional charter school application required under [S]ection 1719-A of the CSL (24 P.S. § 17-1719-A)." A commenter asserts that local boards of school directors have exclusive authority to accept, review, and approve charter school applications under Section 1717-A of the CSL, including under Paragraph (e)(2)(iii) with respect to whether "the application considers the information requested in [S]ection 1719-A and conforms to the legislative intent outlined in [S]ection 1702-A." 24 P.S. § 17-1717-A. As noted in our first comment, the Committee states, "It is not for [the Department] to expand those minimum requirements provided in statute and overstep the role of the authorizing local school board of directors and the legislature to establish new minimum standards." We ask the Department to explain its statutory authority regarding the contents of charter school applications.

Paragraph (a)(2) states, "The application form created and adopted by an authorizer of a charter school or regional charter school, which *at a minimum*, includes the information identified in [S]ubsection (c)." (Emphasis added.) The use of the phrase "at a minimum" puts no limits on the requirements that an authorizer may include on a charter school or regional charter school application. Under what statutory authority may an authorizer require information beyond that provided for in the CSL? We ask the Department to amend this provision to limit any application requirements to those established by the General Assembly in the CSL and identified in the final regulation.

A commenter states that many of the details required to be included in the application under Subsection (c) are more expansive than what is required under Section 1719-A of the CSL. 24 P.S. § 17-1719-A. Several commenters assert that many of the details required to be included in the application may be difficult or impossible to estimate or know at the time of the application, and some items have little or no bearing on the potential for the applicant to meet the requirements of the CSL. We agree that certain of the Department's proposed requirements seem to go beyond the CSL requirements and may be challenging to provide at the time of application. For example, Section 1719-A(3) of the CSL requires "[t]he grade or age levels served by the school." 24 P.S. § 17-1719-A. The Department's parallel requirements for an application under Paragraph (c)(3) include:

For each grade or age level proposed to be served by the charter school or regional charter school:

- (i) Projected overall enrollment.
- (ii) Projected number of students receiving special education services by primary disability. Students may only be counted in one disability category.
- (iii) Projected number of English learners.
- (iv) Projected composition of the student population by race, ethnicity and students who are economically disadvantaged.

This example clearly demonstrates a significant expansion by the Department upon the “grade or age level served” as required by the CSL. How would a charter school or regional charter school applicant which draws from the entire Commonwealth and from the entirety of the K-12 continuum meet such a standard? We ask the Department to explain the reasonableness of requirements such as in Subparagraphs (c)(3)(ii), (iii), and (iv), and to explain how the regulation is to be implemented by the regulated community related to items unknown at the time of application.

Subparagraph (c)(4)(v) requires a charter school or regional charter school applicant to include standards for board of trustees’ performance, including compliance with all applicable laws, regulations, and terms of the charter. What standards does the Department anticipate for performance compliance beyond simply complying with laws, regulations, and terms of the charter? We ask the Department to clarify what an applicant is required to include to satisfy this requirement.

Paragraph (c)(4)(vii) contemplates if a charter school or regional charter school has or intends to have any affiliated business entities. We ask the Department to clarify the type of entity that would be considered an affiliated business entity.

Under Subparagraph (c)(5)(i), how would an applicant include “demonstrated, sustainable support” for the charter school or regional charter school? We ask the Department to clarify how this provision is to be implemented.

Paragraph (c)(12) requires the application to include: “A description and address of the physical facility in which the charter school or regional charter school will be located, the ownership of the physical facility and any lease arrangements, including:

- (i) Whether the facility will be leased or owned.
- (ii) Anticipated monthly mortgage or lease payments, and any estimated additional monthly payments (for example, utilities, property taxes and common space custodial services).
- (iii) How the facility is suitable for the proposed school.
- (iv) Square footage for each space where instruction of students will occur and a description of how the space will be used (for example, kindergarten classroom, gymnasium for physical education and music instruction).
- (v) Safety protocols for the facility.

The parallel provision in Section 1719-A(11) of the CSL states that an application shall include: “A description of and address of the physical facility in which the charter school will be located and the ownership thereof and any lease arrangements.” 24 P.S. § 17-1719-A. We agree with a commenter that the items required by the Department in Subparagraphs (c)(12)(ii)—(v) are not required by the CSL and seem to go significantly beyond the description, address, ownership, and lease arrangements required in the CSL. We ask the Department to explain the statutory authority and reasonableness of these requirements if they are retained in the final regulation.

Finally, Subsection (c) is unclear as to how an applicant who has already submitted an application to the Department prior to the effective date of the regulation will be handled. We ask the Department to clarify how this provision will be implemented for applications already in process.

As Section 713.3 (relating to contents of cyber charter school application) requires an applicant seeking to oper-

ate a cyber charter school to submit an application which includes the items identified in Section 713.2(c), the comments above addressing Subsection (c) also apply to cyber charter school applications.

**5. Section 713.4. Random selection policies for a charter school or regional charter school.—Protection of the public health, safety, and welfare; Clarity; Need; Implementation procedures.**

Commenters raise a variety of issues related to random selection policies. While a legislator advocates for further instruction on criteria for a random selection process to build greater trust in the process and to prevent abuse, another commenter states that a lottery enrollment process is already in place as part of a new charter application and the Department’s standard application. Furthermore, one commenter states that the General Assembly has already codified that a charter school cannot discriminate in its admission practices (24 P.S. § 17-1723-A(b)(1)), while another states that the Department fails to address how enrollment limits will not have a disparate impact on minority and low-income families who seek these school choice opportunities for their children. We ask the Department to explain the need for random selection policies, and how the random selection policies in the final regulation protect the public welfare.

Paragraph (c)(2) includes a requirement that the random selection policies be included in any “renewal application” of a charter school or regional charter school. As this is the only reference to the renewal process in the proposed regulation, we ask the Department to clarify how renewals are to be implemented in the final regulation.

Paragraph (c)(4) requires that the random selection process the charter school or regional charter school be posted on the school’s website “in a language that students and parents can understand...” We ask the Department to clarify whether a charter school entity must post the policy in all languages believed to be the first language of their community or in English but available for translation.

These comments also pertain to Section 713.5 (relating to random selection policies for a cyber charter school).

**6. Section 713.5. Random selection policies for a cyber charter school.—Feasibility; Reasonableness; Implementation procedures.**

Commenters raise concerns regarding Subsection (a), which states, “A cyber charter school may not restrict enrollment based on availability of attendance slots unless the terms are agreed to by the Department and the cyber charter school as part of a written charter under [S]ections 1723-A(d) and 1745-A of the [CSL].” 24 P.S. §§ 17-1723-A and 17-1745-A. Commenters assert that this language prohibits a cyber charter school from recognizing its staffing and/or resource limitations and restricting the number of students it can serve. A legislator comments that cyber charter schools might not be limited by facilities, but there are other real factors limiting how many students they can optimally enroll and support, and the provisions of this section should reflect the need for enrollment limits for cyber charter schools. We ask the Department to explain the feasibility and reasonableness of unlimited enrollment for those cyber charter schools which did not include enrollment limitations in their charters. We also ask the Department to explain how this provision is to be implemented in situations where a cyber charter school’s enrollment exceeds its staffing and/or resource limitation.



**7. Section 713.6. Requirements for Boards of Trustees.—Need.**

Subsection (a) states, “Each member of a board of trustees of a charter school entity is a public official subject to 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act).” As the Department itself indicates, trustees of a charter school are considered already to be public officials under existing law. Additionally, we note that Section 1715-A(11) of the CSL states, “Trustees of a charter school shall be public officials.” 24 P.S. § 17-1715-A. We ask the Department to explain the need for this provision if it is retained in the final regulation.

**8. Section 713.7. Fiscal management and audit requirements.—Statutory authority; Protection of the public health, safety, and welfare; Clarity; Implementation procedures.**

The Department states in the Preamble that this section “seeks to promulgate regulations related to [S]ection 1729-A of the CSL (24 P.S. § 17-1729-A) (and applied to cyber charter schools in [S]ection 1749-A of the CSL), which requires a charter school entity to meet generally accepted standards of fiscal management and audit requirements or face nonrenewal or termination of its charter.” Commenters raise objections to this section. A commenter states that like all public schools in the Commonwealth, charter schools are currently required to have an independent audit done after each fiscal year. The commenter explains that Certified Public Accountants (CPA) are provided rules and regulations from a number of organizations such as the Governmental Accounting Standard Board and the Financial Accounting Standard Board. The commenter asserts that the Department is not granted the authority to set audit standards.

Other commenters raise concerns related to the need for stricter standards for audits to assess fiscal management and additional clarity in this section. For example, a commenter states that Subsection (b) does not address what happens if the two requirements listed are satisfied but auditors find other areas of significant deficiencies or material violations of those standards. Another commenter states that the list of items to be addressed in all audits provided in Subsection (c) does not address many other concerns nor provide much guidance or standards. For example, a charter school’s failure to pay bills in a timely manner or failure to make Public School Employees Retirement System payments in a timely manner are examples of fiscal mismanagement that would not necessarily be uncovered by an auditor or included by an auditor in a public report.

Given the numerous comments on this section highlighted above, we ask the Department to explain its statutory authority and to ensure that provisions related to fiscal management and audit requirements in the final regulation are clear and protective of the public welfare.

Subsection (c) provides a list of items that shall be addressed in all audits completed under this section. Among these items, Paragraph (c)(2) requires a “review of the fees charged” by any educational management service provider. What is the nature and extent of the “review” required in order for a charter school to comply with this section? We ask the Department to address this question in the Preamble to the final regulation and to clarify how this provision is to be implemented in the final regulation.

**9. Section 713.8. Redirection process.—Clarity; Reasonableness; Implementation procedures.**

Subsection (a) states, “Under [S]ection 1725-A(a)(5) of the [CSL], a charter school entity shall submit its payment request to the school district no later than 10 days before the 5th of each month to permit a school district time to make payment.” A commenter asserts that ten days is not long enough for larger school districts. Another commenter states that this does not allow for proper accounting of enrollment changes that may happen at the end of each month, and recommends that this timeline be adjusted to enable proper accounting of enrollments. We note that the proposed language fails to address the situation where the fifth day of the month falls on a weekend or holiday. We ask the Department to explain the reasonableness of this provision and to clarify in the final regulation that the days are to be counted as business days.

Paragraph (d)(2) requires the charter school entity to include “the source of the tuition rate” used by the charter school entity in its withholding request to the Department; however, the Department does not explain how the source is to be identified or whether documentation is required in addition to identifying the source. We ask the Department to clarify how this provision is to be implemented in the final regulation.

Subsection (e) states, “For the months from July through May, requests under this section must be submitted to the Department between the 15th and 25th of each month.” We ask the Department to clarify in the Preamble why the month of June is not included so that implementation of the final regulation is clear for the regulated community. A commenter questions if this provision could cause significant cash flow problems for charter schools and how charter schools can pay bills in a timely manner if they are not paid by school districts in a timely manner. The commenter notes that failure to pay bills in a timely manner could be a material violation of the generally accepted standards of fiscal management, which is grounds for termination or nonrenewal of a charter according to Sections 1729-A(3) and 1741-A(3) of the CSL. 24 P.S. §§ 17-1729-A and 17-1741-A.

**10. Section 713.9. Health care benefits.—Economic or fiscal impacts; Clarity, feasibility, and reasonableness of the regulation; Clarity and lack of ambiguity; Need; Implementation procedures; Compliance with the RRA.**

The Department states in the Preamble that this section “seeks to promulgate regulations related to [S]ection 1724-A of the CSL (24 P.S. § 17-1724-A) (as applied to cyber charter schools in [S]ection 1749-A of the CSL), which requires that every employee of a charter school be provided the same health care benefits the employee would receive if they worked for the chartering school district.” We reiterate what the Department has indicated, that every charter school, regional charter school, and cyber charter school has been required by the CSL to provide health care benefits since the CSL was enacted in 1997. We also note that the Department does not provide any basis for the need for this section in the RAF. Because the provisions within this section have raised such significant concerns among the regulated community which we address below, we ask the Department to explain the need for regulating health care benefits in the final regulation.

Comments on this section include many questions and significant concerns such as the following:

- Under the proposed regulations, coverage would be out of compliance in the example where a charter school entity employee pays more for a specific treatment than a school district employee; however, different health treatments will align with different plan design facets, such as deductibles, coinsurance, and copayments. Within just one benefit plan, it is not uncommon for specific services and procedures to have completely unique employee cost requirements.

- When the term “benefits” is properly construed according to its appropriate meaning, a charter school’s compliance with the “same health care benefits” requirement is dependent upon the nature of the items and services covered and not the costs associated with obtaining coverage for those items and services. The Department’s cost-sharing requirement is thus statutorily improper, as well as unnecessary and overly burdensome.

- The proposal that the charter school entity health plan would have to be designed to account for every single service and procedure is onerous and unreasonable. Conceptually, a charter school entity’s health plan could clearly be more valuable than a local school district plan when considered on the whole, but still require a higher payment for a specific service or procedure.

- The Department’s proposed requirement limiting charter schools to offering the same “plan type” as the school district’s most-selected plan is inconsistent with the statute and unnecessary.

- Beyond plan design elements like deductible, coinsurance, and copayments, benefits can vary significantly through different utilization management programs, such as a prescription drug plan with a more restrictive formulary or additional prior authorization protocols. It is unclear how the Department would consider these issues.

- If a charter school and school district are engaged in open enrollment at or around the same time, a school district’s most-selected plan would not be identifiable until at or near the end of the enrollment period, leaving no time for the charter school to negotiate and contract for a health plan that corresponds to the school district’s most-selected plan, and then complete enrollment for its own employees before the end of the enrollment period.

- If school districts competing for teacher candidates are not required to provide a comparison of benefits between the two districts, why should a charter school be required to do so. This is excessive and unnecessary, especially since the regulation already requires charter schools to provide comparable benefits.

- School districts may offer different benefit plans for different collective bargaining groups (e.g., educational staff, support staff, etc.). The Department fails to explain how this would be addressed under the regulations.

- The regulations fail to consider that charter school entities are not at the bargaining table when a school district and its collective bargaining units negotiate health care benefits, plan design, and costs.

- The type or categories of benefits under a charter school entity health care plan should not be tied to the benefit categories identified under the Patient Protection and Affordable Care Act, but rather the benefit categories offered by the applicable school district for comparison purposes as required by Section 1724-A(d) of the CSL. 24 P.S. § 17-1724-A.

- The Department seeks to substantially alter the manner in which charter schools procure, offer, and contribute financially to health insurance coverage for

employees without analyzing or even acknowledging in the RAF the financial and other potential impacts of its proposed regulation on charter schools and their employees.

- The CSL does not contemplate charter schools contributing to tax-advantaged accounts for the purchase of health care coverage.

If the Department retains this section in the final regulation, in light of the comments above, we ask the Department to address in the RAF and Preamble the economic impacts, feasibility, and reasonableness of requirements related to health care benefits as required by the RRA.

As proposed, this section would necessitate an authorizing school district to disclose information to the charter school, regional charter school, or cyber charter school entity about:

- The most-selected health care plan available to school district employees;

- The contribution provided by the school district for the most-selected health care plan; and

- Health care benefit plan enrollment options and comparison information.

The regulations do not indicate how school districts would provide complex health benefits information to charter schools, regional charter schools, or cyber charter schools, nor does the regulation address the timing or frequency of when such information must be provided. We ask the Department to clarify implementation of this provision. Specifically, we ask the Department to explain how and at what intervals this information is to be provided to charter schools, regional charter schools, and cyber charter schools.

Subsections (a) and (b) both use the phrases “meaningfully similar” and “substantially equivalent.” Who evaluates the meanings of these terms and makes the final determination as to what is meaningfully similar or substantially equivalent? A commenter states that it is unclear whether a “substantially equivalent cost-sharing structure” is referring to percentages or dollar amounts, and notes that there are several factors that come into play when analyzing a cost-sharing structure such as copays, deductibles, and premiums. We ask the Department to clarify the meanings of these phrases in the final regulation.

Subsection (b) identifies the location of the “administrative office” of the regional charter school or cyber charter school as the distinguishing identifier as to which school district an entity looks to regarding health care benefits. If a regional charter school or cyber charter school has several administrative offices, this provision becomes unclear and ambiguous. As such, we ask the Department to clarify the definitions of “regional charter school” and “cyber charter school” to indicate that each is administered from a single identified central office.

Under Subsection (d), employees of a charter school who believe that the health care benefits being offered by the charter school are not comparable to those of the authorizing school district may file a complaint with the authorizing school district. However, it is unclear what an authorizing school district could do about the situation as there are no process nor remedy procedures provided for in the regulations. Commenters note that this requirement places an administrative burden on authorizing school districts that could be significant. Another commenter notes that this statement is not required by the

CSL, and that it is not the duty of the authorizer to handle complaints made by employees of a charter school. We ask the Department to amend and clarify this provision in the final regulation.

Subsection (e) states, "The authorizer of the charter school, regional charter school or cyber charter school may review the health care benefits policies of the charter school, regional charter school or cyber charter school." Is there a need for this subsection since Section 1728-A of the CSL grants authorizing school districts ongoing access to charter school records? 24 P.S. § 17-1728-A.

Finally, the language in this section regarding health care benefits is unclear regarding multiple charter school organizations. Are each of the charters in a multiple charter school organization treated as separate charters for purposes of this provision, or are they to be treated as one charter with the location of a designated central administrative office being used for purposes of this health care comparison? We ask the Department to clarify how this section applies to multiple charter school organizations, and to clarify the definition of "multiple charter school organization" regarding a single identified central office if necessary.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 21-2018. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Antonia Fritz; Doc. No. SC21-11-013

Notice is hereby given of the Order to Show Cause issued on November 16, 2021, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: section 611-A(5), (7), (17) and (20) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(5), (7), (17) and (20)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

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, contact Domenica Dean, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2019. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Designation as a Certified Reinsurer

Somerset Reinsurance Ltd. has applied for designation as a certified reinsurer in this Commonwealth. The application was received on November 13, 2020, and amended on December 30, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2020. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Arch Reinsurance Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on August 18, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2021. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

DaVinci Reinsurance Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 9, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2022. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Hamilton Re, Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 19, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2024. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Endurance Specialty Insurance Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 22, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2023. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Hannover Life Reassurance Company of America (Bermuda) Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 7, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2025. Filed for public inspection December 3, 2021, 9:00 a.m.]

**INSURANCE DEPARTMENT****Application for Renewal of Designation as a Certified Reinsurer**

Hiscox Insurance Company (Bermuda) Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on January 6, 2021, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2026. Filed for public inspection December 3, 2021, 9:00 a.m.]

**INSURANCE DEPARTMENT****Application for Renewal of Designation as a Certified Reinsurer**

Müncheer Rückversicherungs-Gesellschaft Aktiengesellschaft in München (Munich Re) has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on January 8, 2021, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2028. Filed for public inspection December 3, 2021, 9:00 a.m.]

**INSURANCE DEPARTMENT****Application for Renewal of Designation as a Certified Reinsurer**

Liberty Specialty Markets Bermuda Limited has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on February 11, 2021, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2027. Filed for public inspection December 3, 2021, 9:00 a.m.]

**INSURANCE DEPARTMENT****Application for Renewal of Designation as a Certified Reinsurer**

Renaissance Reinsurance Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 9, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2029. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

RenaissanceRe Europe AG has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 29, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2030. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Underwriters at Lloyd's, London has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 14, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2032. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Swiss Reinsurance Company, Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on October 22, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2031. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Watford Re Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on January 26, 2021, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2033. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Susquehanna Rehabilitation & Wellness Center, LLC

Susquehanna Rehabilitation & Wellness Center, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Susquehanna Rehabilitation & Wellness Center in Columbia, PA. The initial filing was received on October 28, 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 directed to Karen M. Feather, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, kfeather@pa.gov.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2034. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Genworth Life Insurance Company; Rate Increase Filing for the PCS I LTC Series (GEFA-133030443); Rate Filing

Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 60.9% on 1,631 policy holders with LTC forms 7000 and 7020.

Unless formal administrative action is taken prior to February 18, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

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](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2035. Filed for public inspection December 3, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Unum Life Insurance Company of America; Rate Increase Filing for Several Group LTC Forms (UNUM-133045291); Rate Filing

Unum Life Insurance Company of America is requesting approval to increase the premium an aggregate 39.7% on 15,704 policyholders with the following individual LTC policy form numbers: B.LTC, TQB.LTC, GLTC95 and TQGLTC95. The increase will average 39.7% but will vary from 0% on certificate holders without inflation protection to 95.9% for those with compound uncapped inflation protection.

Unless formal administrative action is taken prior to February 17, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

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](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2036. Filed for public inspection December 3, 2021, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P.L. 160, No. 39) as amended by Section 2 of the act of October 19, 1995 (P.L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by Section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 10, 2021, that the salaries covered by that law shall be increased by 5.6% effective January 1, 2022. The following chart lists the position, the salary prior to the adjustment, the percentage increase of the adjustment, and the new salary:

**COLA Adjustment for Elected and Appointed Officials Receiving Salaries Contained in Act 1995-51**

*COLA Adjustment is Based on the Percent Change in the CPI-U FOR PA-DE-NJ-MD, CMSA, for the 12 Month Period Ending October 2021*

<i>Position</i>	<i>Salary Prior to 1/1/2022</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2022</i>
Governor	\$201,729	5.6%	\$213,026
Lieutenant Governor	\$169,451	5.6%	\$178,940
State Treasurer	\$167,838	5.6%	\$177,237
Auditor General	\$167,838	5.6%	\$177,237
Attorney General	\$167,838	5.6%	\$177,237
Large Agency Head	\$161,382	5.6%	\$170,419
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Human Services			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$153,313	5.6%	\$161,899
Secretary of Aging			
Secretary of Community & Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation & Natural Resources			
Small Agency Head	\$145,244	5.6%	\$153,378
Secretary of Agriculture			
Secretary of Banking & Securities			
Secretary of the Commonwealth			
Insurance Commissioner			
Secretary of Drug and Alcohol Programs *****			
Liquor Control Board			
Chairman	\$81,980	5.6%	\$86,571
Member	\$78,751	5.6%	\$83,161
Civil Service Commission****			
Chairman	\$92,248	5.6%	\$97,414
Member	\$88,700	5.6%	\$93,667
State Tax Equalization Board			
Chairman	\$28,243	5.6%	\$29,825
Member	\$26,224	5.6%	\$27,693
Milk Marketing Board			
Chairman	\$26,224	5.6%	\$27,693
Member	\$25,216	5.6%	\$26,628
Securities Commission***			
Chairman	\$44,124	5.6%	\$46,595
Member	\$40,256	5.6%	\$42,510
Athletic Commission			



<i>Position</i>	<i>Salary Prior to 1/1/2022</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2022</i>
Chairman	\$21,184	5.6%	\$22,370
Member	\$20,171	5.6%	\$21,301
Board of Pardons			
Member	\$18,558	5.6%	\$19,597
Public Utility Commission			
Chairman	\$155,813	**	\$164,399
Member	\$153,313	5.6%	\$161,899
Environmental Hearing Board*			
Chairman	\$155,813	*	\$164,399
Member	\$153,313	*	\$161,899
Board of Claims*****			
Chairman	\$148,995	5.6%	\$157,339
Member	\$141,151	5.6%	\$149,055

\*: The Environmental Hearing Board is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

\*\* : Act 1995-51 requires that the PUC Chairman shall receive \$2,500/yr. more than PUC Members.

\*\*\*: Per Act 1998-51.

\*\*\*\*: Per Act 2002-140, effective November 27, 2002.

\*\*\*\*\*: Per Act 2002-118, effective October 2, 2002.

\*\*\*\*\*: The salary for the Secretary of Drug and Alcohol Programs has not yet been set by statute.

GREGORY THALL,  
Secretary

[Pa.B. Doc. No. 21-2037. Filed for public inspection December 3, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held  
November 18, 2021

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Electric Generation Supplier License Cancellations of  
Companies with an Expired Financial Security,  
Insufficient Financial Security Amount or Language;  
M-2021-3023559*

#### Tentative Order

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of November 9, 2021, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

*Supplier Table—List of Electric Generation Suppliers*

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2021-3024218	HERCULES ENERGY, LLC	10/26/2021	Yes
A-2010-2210786	INTELLIGEN RESOURCES, LP	10/26/2021	Yes
A-2020-3019881	SELECTED POWER, INC.	5/14/21	Yes
A-2012-2284040	VERDIGRIS ENERGY, LLC	11/2/2021	Yes

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2021-3023559 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at [http://www.puc.pa.gov/filing\\_resources.aspx](http://www.puc.pa.gov/filing_resources.aspx). Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov) rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: November 18, 2021

ORDER ENTERED: November 18, 2021

[Pa.B. Doc. No. 21-2038. Filed for public inspection December 3, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### General Rule Transaction

**A-2021-3029630. GTT Communications, Inc., GTT Americas, LLC and GC Pivotal, LLC, d/b/a Global Capacity.** Joint application of GTT Communications, Inc., GTT Americas, LLC and GC Pivotal, LLC, d/b/a Global Capacity for expedited approval of a general rule transaction associated with the joint prepackaged Chapter 11 Plan of reorganization of GTT Communications, Inc. and its debtor affiliates.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 20, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The

documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Joint Applicants:* GTT Communications, Inc.; GTT Americas, LLC; GC Pivotal, LLC, d/b/a Global Capacity

*Through and By:* Kenneth R. Stark, Esquire, McNeese Wallace & Nurick, LLC, 100 Pine Street, Harrisburg, PA 17101, (717) 237-5254, fax (717) 237-5378, [kstark@mcneese.com](mailto:kstark@mcneese.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2039. Filed for public inspection December 3, 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 December 20, 2021. Filings are recommended to 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 December 20, 2021. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-2021-3029452. H&D Limousine, Inc.** (148 Overhill Road, Upper Darby, Delaware County, PA 19082) in limousine service, from points in the Counties of Chester and Delaware, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2021-3029592. Latino Taxi Service, LLC** (29 East Broad Street, West Hazleton, Luzerne County, PA 18202) persons upon call or demand in Lackawanna County.

### Application of the following for approval to begin operating as a broker for transportation of household goods in use as described under the application.

**A-2021-3029527. Moversfor.Me Pa, LLC, t/a Moversforme** (1234 Summit Way, Mechanicsburg, Cumberland County, PA 17050) for the right to begin to

arrange transportation of household goods in use, between points in Pennsylvania. *Attorney:* Kenneth R. Stark, Esquire, McNeese Wallace & Nurick, LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166.

### Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

**A-2020-3029603. Shuttle Relay, LLC** (325 Chestnut Street, Suite 876, Philadelphia PA 19106) for the discontinuance and cancellation of its right and privilege to transport persons in paratransit service, by motor vehicle, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2040. Filed for public inspection December 3, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Control

**A-2021-3029531. Network Innovations, Inc. and NI Topco, Inc.** Joint application of Network Innovations, Inc. and NI Topco, Inc. for approval of transfer of control of Network Innovations, Inc. to NI Topco, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 20, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Joint Applicants:* Network Innovations, Inc.; NI Topco, Inc.

*Through and By:* Lance J.M. Steinhart, Esquire, Managing Attorney, Lance J.M. Steinhart, P.C., 1725 Windward Concourse, Suite 150, Alpharetta, GA 30005, (770) 232-9200, [lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2041. Filed for public inspection December 3, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Control

**A-2021-3029619 and A-2021-3029620. Energy Center Harrisburg, LLC and Energy Center Pittsburgh, LLC.** Joint application for all of the authority and necessary certificates of public convenience for the indirect transfer of control of Energy Center Harrisburg, LLC

and Energy Center Pittsburgh, LLC from GIP III Zephyr Acquisition Partners, LP to KKR Thor Bidco, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 20, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

*Applicants:* Energy Center Harrisburg, LLC; Energy Center Pittsburgh, LLC

*Through and By Counsel for:* David P. Zambito, Jonathan P. Nase, Cozen O'Connor, 17 North Second Street, Suite 1410, Harrisburg, PA 17101, (717) 703-5892, fax (215) 989-4216, [dzambito@cozen.com](mailto:dzambito@cozen.com), [jnase@cozen.com](mailto:jnase@cozen.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2042. Filed for public inspection December 3, 2021, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as common carriers in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than December 20, 2021. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-21-11-17. H&D Limousine, Inc.** (148 Overhill Road, Upper Darby, PA 19082): An application for a limousine certificate of public convenience to transport persons and their baggage in luxury limousine service on an exclusive basis, arranged for in advance, between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Charles Milstein, Esq., 7102 Frankford Avenue, Philadelphia, PA 19135.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 21-2043. Filed for public inspection December 3, 2021, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Video Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner by means of video hearing. For a link to attend the hearing virtually, contact Julie Vitale, Appeal Docket Clerk, at (717) 720-4888.

January 19, 2022	Account of Sybil N. Knight (Purchase of Out-of-State Service)	10 a.m.
January 26, 2022	Account of Ellen Wright (Retirement-Covered Compensation)	10 a.m.

Persons with a disability and require an auxiliary aid, service or other accommodation to attend the proceeding, should contact the Appeal Docket Clerk to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The video hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 21-2044. Filed for public inspection December 3, 2021, 9:00 a.m.]