

# PENNSYLVANIA BULLETIN

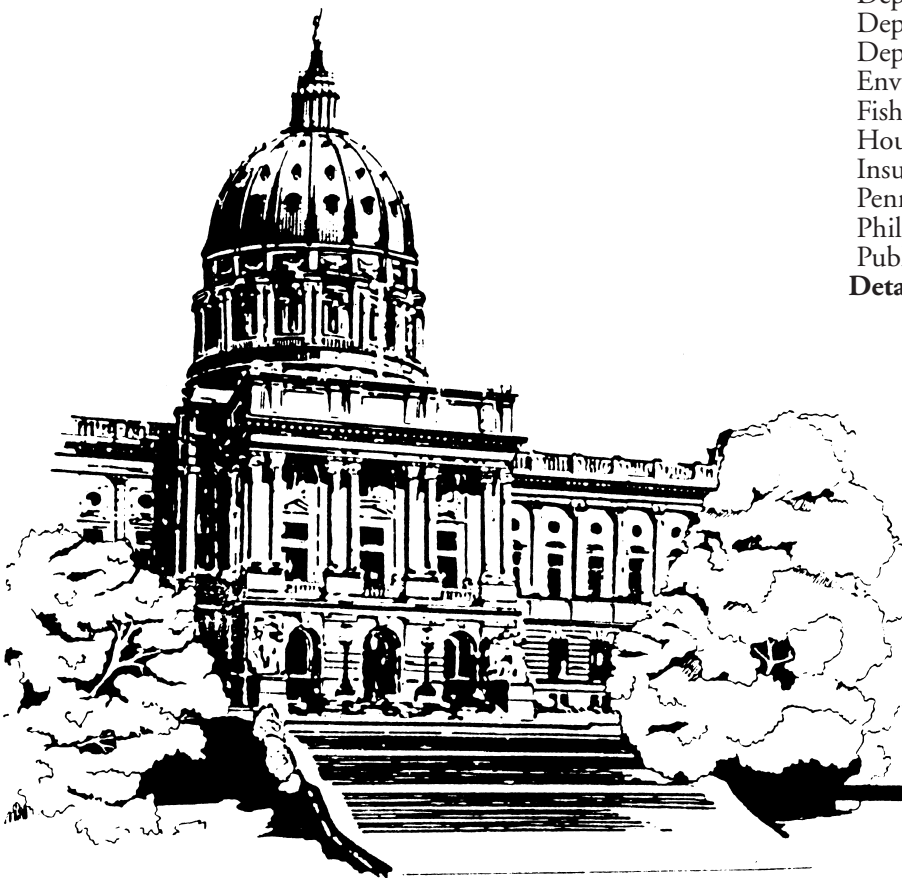
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**No. 565, December 2021**

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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

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 7 ..... 5587

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 .....	7627
2 .....	7629
3 .....	7629
4 .....	3090, 7627, 7629
5 .....	6905
6 .....	6905
11 .....	7632
13 .....	7632
14 .....	7632
15 .....	7632
16 .....	7632

**Proposed Rules**

1 .....	1307, 5532, 7444, 7446
4 .....	1307
11 .....	3095, 7446
13 .....	3095
14 .....	3095
15 .....	3095
16 .....	3095

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

100 .....	2261
200 .....	3444, 7636
500 .....	3337, 6771

**Proposed Rules**

200 .....	1506, 5532, 7452
300 .....	1506, 5596
500 .....	422, 1506
1200 .....	3339

**249 Pa. Code (Philadelphia Rules)**

Unclassified .....	2163
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**252 Pa. Code (Allegheny Rules)**

Unclassified .....	7637
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**255 Pa. Code (Local Court Rules)**

Unclassified .....	11, 12, 542, 543, 904, 905, 908, 1134, 1135, 1309, 1510, 1511, 1798, 1983, 1984, 1986, 1987, 2163, 2164, 2265, 2273, 2274, 2380, 2488, 2627, 2794, 3445, 3598, 3602, 3732, 3855, 3964, 3965, 4056, 4057, 4059, 4323, 4843, 5195, 5599, 5823, 6022, 6023, 6026, 6254, 6394, 6395, 6589, 6590, 6592, 6773, 6774, 6911, 6912, 7054, 7454, 7459, 7655, 7667
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# THE GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### Recent Actions during the 2021 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2021 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2021 General Acts of Regular Session Enacted—Act 081 through 090</b>					
081	Nov 5	H0425	PN2314	Immediately	Liquor Code—sales by liquor licensees and restrictions, prepared beverages and mixed drinks for off-premises consumption during disaster emergency and safekeeping
082	Nov 5	H1452	PN1573	Immediately	Law and Justice (44 Pa.C.S.) and Legal Notices (45 Pa.C.S.)—flexibility in emergency publication of the <i>Pennsylvania Bulletin</i> , definitions and preliminary publication in <i>Pennsylvania Bulletin</i>
083	Nov 5	S0880	PN1091	Immediately	Samuel Newman Way—designation and repeal
084	Nov 17	H0416	PN2322	Immediately	Public School Code of 1949—seizure recognition and related first aid training
085	Nov 17	H1107	PN1146	60 days	Sgts. Thomas Woodruff, Sr., and Hamilton Woodruff Memorial Interchange—designation
086	Nov 17	H1120	PN1168	60 days	PFC James E. Williams Memorial Bridge—designation
087	Nov 17	S0248	PN1222	Immediately	Holidays and Observances (38 Pa.C.S.)—holidays and observances
088	Nov 17	S0420	PN1110	Immediately	County Code—district attorney, qualifications, eligibility and compensation
089	Nov 17	S0550	PN0686	60 days	Second Class County Code—flags to decorate graves
090	Nov 17	S0725	PN1103	Immediately	Vehicle Code (75 Pa.C.S.)—classes of licenses and requirement for commercial driver's license

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

The effective dates specified for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

#### Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore's web site at [www.shoppaheritage.com](http://www.shoppaheritage.com).

VINCENT C. DeLIBERATO, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 21-2045. Filed for public inspection December 10, 2021, 9:00 a.m.]

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE [ 210 PA. CODE CHS. 1 AND 19 ]

#### Order Amending Rules 127 and 1931 of the Pennsylvania Rules of Appellate Procedure; No. 297 Appellate Procedural Rules Doc.

##### Order

##### *Per Curiam*

And Now, this 1st day of December, 2021, upon the recommendation of the Appellate Court Procedural Rules Committee; 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 Rules 127 and 1931 of the Pennsylvania Rules of Appellate Procedure are 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 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### DOCUMENTS GENERALLY

#### Rule 127. Confidential Information and Confidential Documents. Certification.

(a) Unless public access is otherwise constrained by applicable authority, any attorney or any unrepresented party who files a document pursuant to these rules shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Public Access Policy”). In accordance with the Policy, the filing shall include a certification of compliance with the Policy and, as necessary, a Confidential Information Form[, **unless otherwise specified by rule or order of court,**] or a Confidential Document Form.

(b) Unless an appellate court orders otherwise, case records or documents that are sealed by a court, government unit, or other tribunal shall remain sealed on appeal.

[ **Official Note** ] **Comment:** Paragraph (a)—“Applicable authority” includes but is not limited to statute, procedural rule, or court order. *The Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Public Access Policy”) can be found at [ <http://www.pacourts.us/public-records> ] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Public Access Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified*

*Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Appropriate forms can be found at [ <http://www.pacourts.us/public-records>. Pursuant to Section 7.0(C) of the Policy, a court may adopt a rule or order that permits, in lieu of a Confidential Information Form, the filing of a document in two versions, that is, a “Redacted Version” and an “Unredacted Version.” ] <https://www.pacourts.us/public-records>. For certification of the Reproduced Record and Supplemental Reproduced Record in compliance with the Public Access Policy, see Pa.R.A.P. 2152, 2156, 2171, and accompanying notes.

Paragraph (b)—Once a document is sealed, it shall remain sealed on appeal unless the appellate court orders, either *sua sponte* or on application, that the case record or document be opened.

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

#### RECORD ON APPEAL FROM LOWER COURT

#### Rule 1931. Transmission of the Record.

(a) *Time for [ transmission ] Transmission.*

(1) *General [ rule ] Rule.* Except as otherwise prescribed by this rule or if an extension has been granted pursuant to Pa.R.A.P. 1925(b)(2), the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 60 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 or by Pa.R.A.P. 1322, as the case may be. The appellate court may shorten or extend the time prescribed by this subparagraph for a class or classes of cases.

(2) *Children’s [ fast track appeals ] Fast Track Appeals.* In a children’s fast track appeal, the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 30 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 or by Pa.R.A.P. 1322, as the case may be.

(b) *Duty of [ trial court ] Trial Court.* After a notice of appeal has been filed, the judge who entered the order appealed from shall comply with Pa.R.A.P. 1925, shall cause the official court reporter to comply with Pa.R.A.P. 1922 or shall otherwise settle a statement of the evidence or proceedings as prescribed by this chapter, and shall take any other action necessary to enable the clerk to assemble and transmit the record as prescribed by this rule.

(c) *Duty of [ clerk to transmit the record ] Clerk to Transmit the Record.* When the record is complete for purposes of the appeal, the clerk of the trial court shall transmit it to the prothonotary of the appellate court. The clerk of the trial court shall number the documents comprising the record and shall transmit with the record a list of the documents correspondingly numbered and

identified with sufficient specificity to allow the parties on appeal to identify each document and whether it is marked as confidential, so as to determine whether the record on appeal is complete. Any Confidential Information Forms [ and the “Unredacted Version” of any pleadings, documents, or other legal papers where a “Redacted Version” was also filed ] shall be separated either physically or electronically and transmitted to the appellate court. Whatever is confidential shall be labeled as such. If any case records or documents were sealed in the lower court, the list of documents comprising the record shall specifically identify such records or documents as having been sealed in the lower court. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he or she is directed to do so by a party or by the prothonotary of the appellate court. A party must make advance arrangements with the clerk for the transportation and receipt of exhibits of unusual bulk or weight. Transmission of the record is effected when the clerk of the trial court mails or otherwise forwards the record to the prothonotary of the appellate court. The clerk of the trial court shall indicate, by endorsement on the face of the record or otherwise, the date upon which the record is transmitted to the appellate court.

(d) *Service of the [ list of record documents ] List of Record Documents.* The clerk of the trial court shall, at the time of the transmittal of the record to the appellate court, mail a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.

(e) *Multiple [ appeals ] Appeals.* Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single record, without duplication.

(f) *Inconsistency [ between list of record documents and documents actually transmitted ] Between List of Record Documents and Documents Actually Transmitted.* If the clerk of the trial court fails to transmit to the appellate court all of the documents identified in the list of record documents, such failure shall be deemed a breakdown in processes of the court. Any omission shall be corrected promptly pursuant to Pa.R.A.P. 1926 and shall not be the basis for any penalty against a party.

[ *Official Note* ] **Comment:** Pa.R.A.P. 1926 provides the means to resolve any disagreement between the parties as to what should be included in the record on appeal.

**Paragraph (c)—On January 1, 2022, the Case Records Public Access Policy of the Unified Judicial System was amended to require the filing of the Confidential Information Form and eliminate the filing of “Redacted Versions” and “Unredacted Versions” of pleadings, documents, or other legal papers. Section 9.0(H) of the amended Policy continues to protect “Unredacted Versions” that were filed under the prior version of the Policy. For any “Unredacted Version,” the clerk of the trial court should continue to comply with the requirements of paragraph (c) when transmitting the record to the appellate court.**

## ADOPTION REPORT

### Amendment of Pa.R.A.P. 127 and 1931

On December 1, 2021, the Supreme Court amended Pennsylvania Rules of Appellate Procedure 127 and 1931 to conform the rules to recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* adopted on October 6, 2021. The Appellate Court Procedural Rules Committee 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.

Effective January 1, 2022, the amendments to Section 7.0(A) and (C) of the *Policy* require filers to safeguard confidential information using a Confidential Information Form. Prior to the amendments, the *Policy* provided an option for a court to adopt a rule or order to permit the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version” rather than require the use of the Confidential Information Form. In addition, Section 9.0(H) has been added to indicate that the amendments to the *Policy* do not apply retroactively to documents filed with a court prior to their effective date.

Pa.R.A.P. 127 governs confidential information and confidential documents in appellate filings, including the certification that a filing is compliant with the *Policy*; Pa.R.A.P. 1931 governs transmission of the record. Conforming amendments have been made to delete references within the rule and comment relating to the option for a court to require redacted and unredacted versions of a document when safeguarding confidential information.

[Pa.B. Doc. No. 21-2046. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

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

### Order Amending Rule 205.6 of the Pennsylvania Rules of Civil Procedure; No. 722 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

And Now, this 1st day of December, 2021, upon the recommendation of the Civil Procedural Rules Committee; 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 Rule 205.6 of the Pennsylvania Rules of Civil Procedure 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 231. RULES OF CIVIL PROCEDURE

## PART I. GENERAL

## CHAPTER 200. BUSINESS OF COURTS

**Rule 205.6. Confidential Information and Confidential Documents. Certification.**

Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, who files a document pursuant to these rules with the prothonotary's office shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) including a certification of compliance with the Policy and, as necessary, a Confidential Information Form[, unless otherwise specified by rule or order of court,] or a Confidential Document Form in accordance with the Policy.

**[ Official Note ] Comment:**

Applicable authority includes but is not limited to statute, procedural rule or court order. The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) can be found on the website of the Supreme Court of Pennsylvania at [ <http://www.pacourts.us/public-records> ] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The Confidential Information Form and the Confidential Document Form can be found at [ <http://www.pacourts.us/public-records>. In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a "Redacted Version" and an "Unredacted Version." ] <https://www.pacourts.us/public-records>.

## ADOPTION REPORT

## Amendment of Pa.R.Civ.P. 205.6

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure 205.6 to conform the rule to recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* adopted on October 6, 2021. The Civil Procedural Rules Committee 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.

Effective January 1, 2022, the amendments to Section 7.0(A) and (C) of the Policy require filers to safeguard confidential information using a Confidential Information Form. Prior to the amendments, the Policy provided an option for a court to adopt a rule or order to permit the filing of a document in two versions, a "Redacted Version" and an "Unredacted Version" rather than require the use of the Confidential Information Form. In addition, Section 9.0(H) has been added to indicate that the amendments to the Policy do not apply retroactively to documents filed with a court prior to their effective date.

Pa.R.Civ.P. 205.6 governs confidential information and confidential documents in civil filings, including the certification that a filing is compliant with the Policy. Conforming amendments have been made to delete references within the rule and comment relating to the option for a court to require redacted and unredacted versions of a document when safeguarding confidential information.

[Pa.B. Doc. No. 21-2047. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

## [ 231 PA. CODE CH. 1930 ]

**Order Amending Rule 1930.1 of the Pennsylvania Rules of Civil Procedure; No. 723 Civil Procedural Rules Doc.**

## Order

*Per Curiam*

And Now, this 1st day of December, 2021, upon the recommendation of the Domestic Relations Procedural Rules Committee; 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 Rule 1930.1 of the Pennsylvania Rules of Civil Procedure 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 231. RULES OF CIVIL PROCEDURE

## PART I. GENERAL

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

**Rule 1930.1. Form of Caption. Confidential Information and Confidential Documents. Certification.**

\* \* \* \* \*

(b) Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, who files a document pursuant to these rules with the prothonotary's office shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) including a certification of compliance with the Policy and, as necessary, a Confidential Information Form[, unless otherwise specified by rule or order of court,] or a Confidential Document Form in accordance with the Policy.

**[ Official Note ] Comment:** Applicable authority includes but is not limited to statute, procedural rule, or court order. The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) can be found on the website of the Supreme Court of Pennsylvania at [ <http://www.pacourts.us/public-records> ] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The Confidential Information Form and the Confidential Document Form can be found at [ <http://www.pacourts.us/public-records>. In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version.” ] <https://www.pacourts.us/public-records>.

\* \* \* \* \*

**ADOPTION REPORT**

**Amendment of Pa.R.Civ.P. 1930.1**

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure 1930.1 to conform the rule to recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Policy)* adopted on October 6, 2021. The Domestic Relations Procedural Rules Committee (Committee) has prepared this Adoption Report describing the rulemaking process. The statements contained in this Adoption Report are those of the Committee, not the Supreme Court. An Adoption Report should not be confused with Comments included in the rules. *See* Pa.R.J.A. 103, Comment.

Effective January 1, 2022, the amendments to Section 7.0(A) and (C) of the *Policy* require filers to safeguard confidential information using a Confidential Information Form. Prior to those amendments, the *Policy* provided an option for a court to adopt a rule or an administrative order to permit the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version” rather than require the use of the Confidential Information Form. In addition, Section 9.0(H) has been added to indicate that the amended *Policy* does not apply retroactively to documents filed with a court prior to the amendment’s effective date.

In Domestic Relations matters, Pa.R.Civ.P. 1930.1 governs confidential information and confidential documents, including the certification that a filing is compliant with the *Policy*. The conforming amendments delete references within the rule and comment relating to the option for a court to require redacted and unredacted versions of a document when safeguarding confidential information.

[Pa.B. Doc. No. 21-2048. Filed for public inspection December 10, 2021, 9:00 a.m.]

**Title 231—RULES OF CIVIL  
PROCEDURE**

**PART II. ORPHANS’ COURT RULES**

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

**Order Amending Rule 1.99 of the Pennsylvania  
Rules of Orphans’ Court Procedure; No. 892  
Supreme Court Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 1st day of December, 2021, upon the recommendation of the Orphans’ Court Procedural Rules

Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.99 of the Pennsylvania Rules of Orphans’ Court Procedure is amended in the following form.

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

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART II. ORPHAN’S COURT RULES**

**CHAPTER I. PRELIMINARY RULES**

**Rule 1.99. Confidential Information and Confidential Documents. Certification.**

Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, who files a legal paper pursuant to these rules with the clerk shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Policy)* including a certification of compliance with the Policy and, as necessary, a Confidential Information Form[ , unless otherwise specified by rule or order of court, ] or a Confidential Document Form, in accordance with the Policy.

**[ Note ] Comment:** Applicable authority includes but is not limited to statute, procedural rule, or court order. The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Policy)* can be found on the website of the Supreme Court of Pennsylvania at [ <http://www.pacourts.us/public-records> ] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The Confidential Information Form and the Confidential Document Form can be found at [ <http://www.pacourts.us/public-records>. In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version.” ] <https://www.pacourts.us/public-records>.

**ADOPTION REPORT**

**Amendment of Pa.R.O.C.P. 1.99**

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Orphans’ Court Procedure 1.99 to conform with recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (“Policy”)*. *See* Order of October 6, 2021, No. 556 Judicial Administration Docket. The Orphans’ Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process as it relates to Pa.R.O.C.P. 1.99. 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.

The amendments to the Policy, effective on January 1, 2022, require the statewide use of the Confidential Information Form to safeguard confidential information and eliminate the ability of a court to adopt a rule or order permitting the filing of any document in two versions, redacted and unredacted. In response to this change to the Policy, Pa.R.O.C.P. 1.99 has been amended to remove the exception to the Rule requiring the attachment of a Confidential Information Form, if necessary. The Comment to Pa.R.O.C.P. 1.99 has been amended to delete the last sentence referencing Section 7.0(C) of the Policy, which previously referenced the ability of a court to adopt a rule or order permitting the filing of any document in two versions, redacted and unredacted.

[Pa.B. Doc. No. 21-2049. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 1, 4 AND 5 ]

### Order Approving the Amendment of the Comments to Rules 113.1, 420, 513 and 578 of the Pennsylvania Rules of Criminal Procedure; No. 533 Criminal Procedural Rules Doc.

#### Order

##### *Per Curiam*

*And Now*, this 1st day of December, 2021, upon the recommendation of the Criminal Procedural Rules Committee; 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 the Comments to Rules 113.1, 420, 513, and 578 of the Pennsylvania Rules of Criminal Procedure are amended in the following form.

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

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### PART A. Business of the Courts

#### Rule 113.1. Confidential Information and Confidential Documents. Certification.

Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, or any affiant who files a document pursuant to these rules with the issuing authority or clerk of courts' office shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy). In accordance with the Policy, the filing shall include a certification of compliance with the Policy and, as necessary, a Confidential Information Form [ , unless otherwise specified by rule or order of court, ] or a Confidential Document Form.

#### Comment

“Applicable authority,” as used in this rule, includes but is not limited to statute, procedural rule, or court order.

The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) can be found on the website of the Supreme Court of Pennsylvania at: [ <http://www.pacourts.us/public-records> ] <https://www.pacourts.us/public-records>. The Policy is applicable to all filings by the parties or an affiant in any criminal court case.

Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Filings may require further precautions, such as placing certain types of information in a “Confidential Information Form.” The Confidential Information Form and the Confidential Document Form can be found at: [ <http://www.pacourts.us/public-records/public-records-forms>. In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version.” ] <https://www.pacourts.us/public-records/public-records-forms>.

In addition to the restrictions above, a filing party should be cognizant of the potential impact that inclusion of personal information may have on an individual's privacy rights and security. Therefore, inclusion of such information should be done only when necessary or required to effectuate the purpose of the filing. Consideration of the use of sealing or protective orders also should be given if inclusion of such information is necessary.

While the Public Access Policy is not applicable to orders or other documents filed by a court, judges should give consideration to the privacy interests addressed by the Policy when drafting an order that might include information considered confidential under the Policy.

[ **Official Note: New Rule 113.1 adopted January 5, 2018, effective January 6, 2018; amended June 1, 2018, effective July 1, 2018.**

#### *Committee Explanatory Reports:*

**Final Report explaining the provisions of the new rule published with the Court's Order at 48 Pa.B. 490 (January 20, 2018).**

**Amendments regarding the changes to the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018). ]**

#### CHAPTER 4. PROCEDURES IN SUMMARY CASES

#### PART C. Procedures in Summary Cases When Complaint Filed

#### Rule 420. Filing of Complaint.

When the affiant is not a law enforcement officer, the affiant shall institute a criminal proceeding in a summary case by filing a complaint with the proper issuing authority.

#### Comment

With regard to the “proper” issuing authority as used in these rules, see Rule 130.

Complaints filed pursuant to this rule are public records. However, in addition to restrictions placed by law and rule on the disclosure of confidential information, the



filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and may require further precautions, such as placing certain types of information in a “Confidential Information Form” [ or providing both a redacted and unredacted version of the filing ]. See Rule 113.1.

[ **Official Note:** Previous Rule 65 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 409(B), 414(B), 424, 430(D), 431, and 456. Present Rule 65, adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; renumbered Rule 420 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 1, 2018, effective July 1, 2018.

**Committee Explanatory Reports:**

**Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).**

**Amendments regarding the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018). ]**

**CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

**PART B(3). Arrest Procedures in Court Cases**

**(a) Arrest Warrants**

**Rule 513. Requirements for Issuance; Dissemination of Arrest Warrant Information.**

(A) For purposes of this rule, “arrest warrant information” is defined as the criminal complaint in cases in which an arrest warrant is issued, the arrest warrant, any affidavit(s) of probable cause, and documents or information related to the case.

**(B) ISSUANCE OF ARREST WARRANT**

(1) In the discretion of the issuing authority, advanced communication technology may be used to submit a complaint and affidavit(s) for an arrest warrant and to issue an arrest warrant.

(2) No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority in person or using advanced communication technology. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

(3) Immediately prior to submitting a complaint and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority in person, by telephone, or by any device which allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant. In any telephonic communication, if the issuing authority has a concern regarding the identity of the affiant, the issuing authority may require the affiant to communicate by a device allowing for two-way simultaneous audio-visual communication or may require the affiant to appear in person.

(4) At any hearing on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant other than the affidavits provided for in paragraph (B)(2).

**(C) DELAY IN DISSEMINATION OF ARREST WARRANT INFORMATION**

The affiant or the attorney for the Commonwealth may request that the availability of the arrest warrant information for inspection and dissemination be delayed. The arrest warrant affidavit shall include the facts and circumstances that are alleged to establish good cause for delay in inspection and dissemination.

(1) Upon a finding of good cause, the issuing authority shall grant the request and order that the availability of the arrest warrant information for inspection and dissemination be delayed for a period of 72 hours or until receipt of notice by the issuing authority that the warrant has been executed, whichever occurs first. The 72-hour period of delay may be preceded by an initial delay period of not more than 24 hours, when additional time is required to complete the administrative processing of the arrest warrant information before the arrest warrant is issued. The issuing authority shall complete the administrative processing of the arrest warrant information prior to the expiration of the initial 24-hour period.

(2) Upon the issuance of the warrant, the 72-hour period of delay provided in paragraph (C)(1) begins.

(3) In those counties in which the attorney for the Commonwealth requires that complaints and arrest warrant affidavits be approved prior to filing as provided in Rule 507, only the attorney for the Commonwealth may request a delay in the inspection and dissemination of the arrest warrant information.

**Comment**

This rule was amended in 2013 to add provisions concerning the delay in inspection and dissemination of arrest warrant information. Paragraph (A) provides a definition of the term “arrest warrant information” that is used throughout the rule. Paragraph (B) retains the existing requirements for the issuance of arrest warrants. Paragraph (C) establishes the procedures for a temporary delay in the inspection and dissemination of arrest warrant information prior to the execution of the warrant.

**ISSUANCE OF ARREST WARRANTS**

Paragraph (B)(1) recognizes that an issuing authority either may issue an arrest warrant using advanced communication technology or order that the law enforcement officer appear in person to apply for an arrest warrant.

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for an arrest warrant must be sworn to before the issuing authority prior to the issuance of the warrant. The language “sworn to before the issuing authority” contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. See paragraph (B)(3).

All affidavits and applications filed pursuant to this rule are public records. However, in addition to restrictions placed by law and rule on the disclosure of confidential information, the filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and may require further precautions, such as placing certain types of

information in a “Confidential Information Form” [or providing both a redacted and unredacted version of the filing]. See Rule 113.1.

This rule carries over to the arrest warrant the requirement that the evidence presented to the issuing authority be reduced to writing and sworn to, and that only the writing is subsequently admissible to establish that there was probable cause. In these respects, the procedure is similar to that applicable to search warrants. See Rule 203. For a discussion of the requirement of probable cause for the issuance of an arrest warrant, see *Commonwealth v. Flowers*, 369 A.2d 362 (Pa. Super. 1976).

The affidavit requirements of this rule are not intended to apply when an arrest warrant is to be issued for noncompliance with a citation, with a summons, or with a court order.

An affiant seeking the issuance of an arrest warrant, when permitted by the issuing authority, may use advanced communication technology as defined in Rule 103.

When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant.

Verification methods include, but are not limited to, a “call back” system, in which the issuing authority would call the law enforcement agency or police department that the affiant indicates is the entity seeking the warrant; a “signature comparison” system whereby the issuing authority would keep a list of the signatures of the law enforcement officers whose departments have advanced communication technology systems in place, and compare the signature on the transmitted information with the signature on the list; or an established password system.

Under Rule 540, the defendant receives a copy of the warrant and supporting affidavit at the time of the preliminary arraignment.

See Rule 556.11 for the procedures for the issuance of an arrest warrant by the supervising judge of an indicting grand jury following indictment of an individual not previously arrested.

#### DELAY IN DISSEMINATION OF ARREST WARRANT INFORMATION

Paragraph (C) was added in 2013 to address the potential dangers to law enforcement and the general public and the risk of flight when arrest warrant information is disseminated prior to the execution of the arrest warrant. The paragraph provides that the affiant or the attorney for the Commonwealth may request, for good cause shown, the delay in the inspection and dissemination of the arrest warrant information for 72 hours or until receipt of notice by the issuing authority that the warrant has been executed, whichever occurs first. Upon a finding of good cause, the issuing authority must delay the inspection and dissemination.

The request for delay in inspection and dissemination is intended to provide a very limited delay in public access to arrest warrant information in those cases in which there is concern that pre-execution disclosure of the existence of the arrest warrant will endanger those serving the warrant or will impel the subject of the warrant to flee. This request is intended to be an expedited procedure with the request submitted to an issuing authority.

A request for the delay in dissemination of arrest warrant information made in accordance with this rule is not subject to the requirements of Rule 576.

Once the issuing authority receives notice that the arrest warrant is executed, or when 72 hours have elapsed from the issuance of the warrant and the warrant has not been executed, whichever occurs first, the information must be available for inspection or dissemination unless the information is sealed pursuant to Rule 513.1.

The provision in paragraph (C)(2) that provides up to 24 hours in the delay of dissemination and inspection prior to the issuance of the arrest warrant recognizes that, in some cases, there may be administrative processing of the arrest warrant request that results in a delay between when the request for the 72-hour period of delay permitted in paragraph (C)(1) is approved and when the warrant is issued. In no case may this additional period of delay exceed 24 hours and the issuing authority must issue the arrest warrant within the 24-hour period.

When determining whether good cause exists to delay inspection and dissemination of the arrest warrant information, the issuing authority must consider whether the presumption of openness is rebutted by other interests that include, but are not limited to, whether revealing the information would allow or enable flight or resistance, the need to protect the safety of police officers executing the warrant, the necessity of preserving the integrity of ongoing criminal investigations, and the availability of reasonable alternative means to protect the interest threatened by disclosure.

Nothing in this rule is intended to limit the dissemination of arrest warrant information to court personnel as needed to perform their duties. Nothing in this rule is intended to limit the dissemination of arrest warrant information to or by law enforcement as needed to perform their duties.

Pursuant to paragraph (C)(3), in those counties in which the district attorney’s approval is required only for certain, specified offenses or grades of offenses, the approval of the district attorney is required for a request to delay inspection and dissemination only for cases involving those specified offenses.

**[ Official Note: Rule 119 adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 513 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended December 23, 2013, effective March 1, 2014; amended November 9, 2017, effective January 1, 2018; Comment revised June 1, 2018, effective July 1, 2018; Comment revised November 27, 2018, effective March 1, 2019.**

#### *Committee Explanatory Reports:*

**Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court’s Order at 24 Pa.B. 4342 (August 27, 1994).**

**Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).**

**Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court’s Order at 32 Pa.B. 2591 (May 25, 2002).**

**Final Report explaining the December 23, 2013 amendments providing procedures for delay in dis-**



**semination and sealing of arrest warrant information published with the Court's Order at 44 Pa.B. 243 (January 11, 2014).**

**Final Report explaining the November 9, 2017 amendments regarding electronic technology for swearing affidavits published with the Court's Order at 47 Pa.B. 7180 (November 25, 2017).**

**Comment revision regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018).**

**Final Report explaining the November 27, 2018 revision to the Comment cross-referencing post-indictment arrest warrant procedures in Rule 556.11 published with the Court's Order at 48 Pa.B. 7632 (December 15, 2018). ]**

#### PART G(1). Motion Procedures

##### Rule 578. Omnibus Pretrial Motion for Relief.

Unless otherwise required in the interests of justice, all pretrial requests for relief shall be included in one omnibus motion.

#### Comment

Types of relief appropriate for the omnibus pretrial motions include the following requests:

- (1) for continuance;
- (2) for severance and joinder or consolidation;
- (3) for suppression of evidence;
- (4) for psychiatric examination;
- (5) to quash or dismiss an information;
- (6) for change of venue or venire;
- (7) to disqualify a judge;
- (8) for appointment of investigator;
- (9) for pretrial conference;
- (10) challenging the array of an indicting grand jury;
- (11) for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322; and
- (12) proposing or opposing the admissibility of scientific or expert evidence.

The omnibus pretrial motion rule is not intended to limit other types of motions, oral or written, made pretrial or during trial, including those traditionally called motions *in limine*, which may affect the admissibility of evidence or the resolution of other matters. The earliest feasible submissions and rulings on such motions are encouraged.

See Pa.R.E. 702 and 703 regarding the admissibility of scientific or expert testimony. Pa.R.E. 702 codifies Pennsylvania's adherence to the test to determine the admissibility of expert evidence first established in *Frye v. United States*, 293 F.1013 (D.C. Cir. 1923) and adopted by the Pennsylvania Supreme Court in *Commonwealth v. Topa*, 369 A.2d 1277 (Pa. 1977). Given the potential complexity when the admissibility of such evidence is challenged, such challenges should be raised in advance of trial as part of the omnibus pretrial motion if possible. However, nothing in this rule precludes such challenges from being raised in a motion *in limine* when circumstances necessitate it.

All motions filed pursuant to this rule are public records. However, in addition to restrictions placed by law and rule on the disclosure of confidential information, the motions are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and

may require further precautions, such as placing certain types of information in a "Confidential Information Form" [ or providing both a redacted and unredacted version of the filing ]. See Rule 113.1.

See Rule 113.1 regarding the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and the requirements regarding filings and documents that contain confidential information.

See Rule 556.4 for challenges to the array of an indicting grand jury and for motions to dismiss an information filed after a grand jury indicts a defendant.

[ **Official Note: Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; Comment revised October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 21, 2012, effective in 180 days; Comment revised July 31, 2012, effective November 1, 2012; Comment revised September 21, 2017, effective January 1, 2018; Comment revised January 5, 2018, effective January 6, 2018; Comment revised June 1, 2018, effective July 1, 2018.**

#### Committee Explanatory Reports:

Report explaining the October 25, 1990 Rule 306 Comment revision published at 20 Pa.B. 1696 (March 24, 1990).

Report explaining the August 12, 1993 Comment revision published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the June 21, 2012, revision of the Comment referencing indicting grand jury rules published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Final Report explaining the July 31, 2012 Comment revision adding motions for transfer published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Final Report explaining the September 21, 2017 Comment revision regarding pretrial challenges to the admissibility of expert evidence published with the Court's Order at 47 Pa.B. 6173 (October 7, 2017).

Final Report explaining the January 5, 2018 Comment revisions regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 490 (January 20, 2018).

Comment revisions regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018). ]

#### ADOPTION REPORT

##### Amendment of the Comments to Pa.R.Crim.P. 113.1, 420, 513, and 578

Case Records Public Access Policy of the Unified Judicial System of Pennsylvania

On December 1, 2021, effective January 1, 2022, the Supreme Court amended the Comments to Pa.R.Crim.P. 113.1, 420, 513, and 578 to reflect amendments to

Sections 7.0 and 9.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* adopted on October 6, 2021. The Criminal Procedural Rules Committee 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.

Section 7.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* has been amended to remove subdivision (C). Prior to its deletion, subdivision (C) of Section 7.0 had provided for an alternative to filing a Confidential Information Form. That alternative allowed courts of record to “adopt a rule or order permitting the filing of any document in two versions, a ‘Redacted Version’ and ‘Unredacted Version.’” With the deletion of subdivision (C), filers will no longer be permitted to file a redacted version and an unredacted version of a document and will instead be required to use a Confidential Information Form. To reflect this change, the Comment to Rule 113.1 has been amended to remove the following language, “In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a ‘Redacted Version’ and an ‘Unredacted Version.’”

Additionally, the Comments to Rules 420, 513, and 578 have been similarly amended, with the language “providing both a redacted and unredacted version of the filing” being deleted. Each Comment, however, still informs the reader that documents filed pursuant to its rule “are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and may require further precautions, such as placing certain types of information in a ‘Confidential Information Form.’”

A new Section 9.0(H) has also been added to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. That section provides that “[t]he Unredacted Version of any document filed in accordance with prior versions of this policy” shall not be accessible by the public.

The following commentary has been removed from Rule 113.1:

**Official Note:** New Rule 113.1 adopted January 5, 2018, effective January 6, 2018; amended June 1, 2018, effective July 1, 2018.

*Committee Explanatory Reports:*

Final Report explaining the provisions of the new rule published with the Court’s Order at 48 Pa.B. 490 (January 20, 2018). Amendments regarding the changes to the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018).

The following commentary has been removed from Rule 420:

**Official Note:** Previous Rule 65 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 409(B), 414(B), 424, 430(D), 431, and 456. Present Rule 65, adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; renumbered Rule 420 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 1, 2018, effective July 1, 2018.

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the

Court’s Order at 30 Pa.B. 1478 (March 18, 2000). Amendments regarding the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018).

The following commentary has been removed from Rule 513:

**Official Note:** Rule 119 adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 513 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended December 23, 2013, effective March 1, 2014; amended November 9, 2017, effective January 1, 2018; Comment revised June 1, 2018, effective July 1, 2018; Comment revised November 27, 2018, effective March 1, 2019.

*Committee Explanatory Reports:*

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court’s Order at 24 Pa.B. 4342 (August 27, 1994). Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000). Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court’s Order at 32 Pa.B. 2591 (May 25, 2002). Final Report explaining the December 23, 2013 amendments providing procedures for delay in dissemination and sealing of arrest warrant information published with the Court’s Order at 44 Pa.B. 243 (January 11, 2014). Final Report explaining the November 9, 2017 amendments regarding electronic technology for swearing affidavits published with the Court’s Order at 47 Pa.B. 7180 (November 25, 2017). Comment revision regarding the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018). Final Report explaining the November 27, 2018 revision to the Comment cross-referencing post-indictment arrest warrant procedures in Rule 556.11 published with the Court’s Order at 48 Pa.B. 7632 (December 15, 2018).

The following commentary has been removed from Rule 578:

**Official Note:** Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; Comment revised October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 21, 2012, effective in 180 days; Comment revised July 31, 2012, effective November 1, 2012; Comment revised September 21, 2017, effective January 1, 2018; Comment revised January 5, 2018, effective January 6, 2018; Comment revised June 1, 2018, effective July 1, 2018.

*Committee Explanatory Reports:*

Report explaining the October 25, 1990 Rule 306 Comment revision published at 20 Pa.B. 1696 (March 24, 1990). Report explaining the August 12, 1993 Comment revision published at 22 Pa.B. 3826 (July 25, 1992). Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000). Final Report explaining the June 21, 2012, revision of the Comment referencing indicting grand jury rules published with the

Court's Order at 42 Pa.B. 4153 (July 7, 2012). Final Report explaining the July 31, 2012 Comment revision adding motions for transfer published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012). Final Report explaining the September 21, 2017 Comment revision regarding pretrial challenges to the admissibility of expert evidence published with the Court's Order at 47 Pa.B. 6173 (October 7, 2017). Final Report explaining the January 5, 2018 Comment revisions regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 490 (January 20, 2018). Comment revisions regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018).

[Pa.B. Doc. No. 21-2050. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CHS. 1 AND 4 ]

#### Order Amending Rules 148 and 407 of the Pennsylvania Rules of Juvenile Court Procedure; No. 890 Supreme Court Rules Doc.

#### Order

#### *Per Curiam*

And Now, this 30th day of November, 2021, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 51 Pa.B. 1307 (March 13, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 148 and 407 are amended in the following form.

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

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART B(1). EDUCATION AND HEALTH OF JUVENILE

Rule 148. Educational Stability and Removal [ **from** ] **From** Home.

(A) *General Rule.* Any order resulting in the removal of the juvenile from home or a change in placement shall address the educational stability of the juvenile.

(B) *School of Origin.* [ **A** ] **Subject to statute, a** juvenile removed from home shall remain in their school of origin unless the court finds remaining in the school of origin is not in the juvenile's best interest or protective of the community. If the court finds that it is not in the best interest for the juvenile or protective of the community to remain in the school of origin, then the court may order the juvenile to be enrolled in another school that best meets the juvenile's needs.

(C) *Another School.* [ **If** ] **Subject to statute, if** a court orders the juvenile to be enrolled in another school pursuant to paragraph (B), then the juvenile shall attend

a public school unless the court finds that a public school is not in the best interest of the juvenile or protective of the community.

#### Comment

This rule is intended to apply at any point in a delinquency proceeding when the juvenile is removed from home, including pre-dispositional detention placement and post-dispositional modification resulting in the juvenile's out of home placement or a change to that placement. This rule is intended to complement rather than supersede the requirements of Rule 512(D)(6).

In paragraph (B), the best interest determination should be based on factors including the appropriateness of the current educational setting considering the juvenile's needs, the proximity of the school of origin relative to the placement location, and the protection of the community. This paragraph is intended to facilitate educational stability while the juvenile remains under the jurisdiction of the Juvenile Court and to codify the presumption that a juvenile is to remain in their school of origin absent evidence that it is not in the best interest of the juvenile or protective of the community to do so.

In paragraph (C), circumstances indicating that it may not be in the best interest for the juvenile to attend a public school includes the security and safety of the juvenile and treatment needs. Paragraph (C) is intended to codify the presumption that a juvenile is to attend public school while in placement absent evidence demonstrating that it is not in the best interest of the juvenile or protective of the community to do so. The bundling of residential services and educational services should not be permitted without a court order authorizing such.

**The application of paragraphs (B) and (C) is subject to statute governing the enrollment of a juvenile adjudicated of certain sexual assault acts committed upon another student enrolled in the same public school entity. See 24 P.S. § 13-1318.1; 18 Pa.C.S. §§ 3121, 3122.1, 3123, 3124.1, 3125, 3126.**

For release of information to school, see Rule 163.

**Official Note:** Rule 148 adopted December 21, 2018, effective May 1, 2019. **Amended November 30, 2021, effective April 1, 2022.**

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 148 published with the Court's Order at 49 Pa.B. 208 (January 12, 2019).

Final Report explaining the provisions of Rule 148 published with the Court's Order at 49 Pa.B. 610 (February 9, 2019).

**Final Report explaining the amendments to Rule 148 published with the Courts' Order at 51 Pa.B. 7627 (December 11, 2021).**

#### CHAPTER 4. ADJUDICATORY HEARING

#### Rule 407. Admissions.

\* \* \* \* \*

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

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



ADMISSION COLLOQUY FORM

In re (Juvenile)

\_\_\_\_\_ JD \_\_\_\_\_

:  
:  
:  
:  
:  
:  
:

Delinquent Act(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
\_\_\_\_\_

\* \* \* \* \*

Possible Consequences of Adjudication of Delinquency:

- 13) Do you understand that if you are found delinquent, the judge may make you pay money and place you outside of your home or on probation until you turn 21 years old? \_\_\_\_\_
14) Are you aware that if you are admitting to \_\_\_\_\_ that your driving license will be suspended now or in the future (which means you will not be able to drive)? (lawyer shall write acts on this line, cross off, or write n/a).
15) Do you understand that this case can be used against you in the future? For example, if you break the law again, you may get a longer sentence in jail. \_\_\_\_\_
16) Do you understand that if you are found delinquent, other people may find out about it? You may also have to tell people, including colleges, military recruiters, or employers? \_\_\_\_\_
17) Do you understand that if you are not a U.S. citizen, it may cause problems, which could include being forced to leave the U.S.? \_\_\_\_\_
18) Do you understand that if you are admitting to sexual assault that you cannot attend the same school as the victim? You will either be expelled or transferred to another school or an alternative education program.

Admission Agreements:

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

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

Appeals:

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

\* \* \* \* \*

Lawyer's Representation and Opportunity to Speak with Guardian

[ 21 ] 22) Are you okay with what your lawyer did for you and how he or she explained everything? \_\_\_\_\_

[ 22 ] 23) Did you talk with your parent or guardian about admitting to the charge(s)? \_\_\_\_\_

\* \* \* \* \*

Comment

\* \* \* \* \*

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

As used in Question 18 of the admission colloquy in paragraph (C)(4), "sexual assault" includes rape, 18 Pa.C.S. § 3121, statutory sexual assault, 18 Pa.C.S. § 3122.1, involuntary deviate sexual intercourse, 18 Pa.C.S. § 3123, sexual assault, 18 Pa.C.S. § 3124.1, aggravated sexual assault,

18 Pa.C.S. § 3125, and indecent assault, 18 Pa.C.S. § 3126. See 24 P.S. § 13-1318.1(j) (defining "sexual assault").

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

\* \* \* \* \*

**Official Note:** Rule 407 adopted April 1, 2005, effective October 1, 2005. Amended January 18, 2012, effective April 1, 2012. Amended January 23, 2017, effective April 3, 2017. Amended May 26, 2021, effective October 1, 2021. **Amended November 30, 2021, effective April 1, 2022.**

*Committee Explanatory Reports:*

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

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

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

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

**Final Report explaining the amendments to Rule 407 published with the Courts' Order at 51 Pa.B. 7627 (December 11, 2021).**

**ADOPTION REPORT**

**Amendment of Pa.R.J.C.P. 148 and 407**

On November 30, 2021, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 148 and 407 to reflect provisions of the Act of Nov. 3, 2020, P.L. 1087, No. 110 amending the Public School Code of 1949 to, *inter alia*, add Section 1318.1, prohibiting a juvenile adjudicated delinquent of sexual assault from attending the same public school as the victim. The Juvenile Court Procedural Rules Committee 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.

Effective January 3, 2021, Act 110 of 2020 amended the Public School Code of 1949 to prohibit a juvenile adjudicated delinquent of sexual assault from attending the same public school as the victim. *See* 24 P.S. § 13-1318.1. This Act marks a change in policy wherein a student may be subject to discipline in school for conduct occurring outside of school. *See* 24 P.S. § 5-510 (granting school board authority to enforce rules against students during such time as students are under supervision, including the time necessarily spent in coming to and returning from school); 24 P.S. § 21-2134 (providing for a period of transition for student returning after being adjudicated delinquent before returning to regular classroom). When a juvenile is adjudicated delinquent of sexual assault and prohibited from attending the same public school as the victim, the public school is required to 1) expel the juvenile; 2) transfer the juvenile to an alternative education program; or 3) reassign the juvenile to another school or educational program within the public school entity.

The Committee proposed the amendment of Pa.R.J.C.P. 148 insofar as the Act operates to supersede the juvenile court's best interest/community protection analysis in determining whether a juvenile should remain in his or her school of origin. Application of the Act does not

appear to invite judicial discretion. The proposed amendment was intended to place the reader on notice that application of the rule may be superseded by statute. A description and citation to the statute are contained in the Comment. A parallel amendment was not made to Pa.R.J.C.P. 1148 because that rule concerns dependency matters.

The Act also imposes a collateral consequence on the juvenile for an admission of certain offenses. While the Act uses the phrase "sexual assault," that phrase is defined to include six enumerated offenses. *See* 24 P.S. § 13-1318.1(j) (defining "sexual assault"). The Committee believed this collateral consequence was significant because it potentially affects a juvenile's education and ability to return to the school of origin, which may impact a juvenile's life beyond any term of supervision.

Accordingly, the Committee proposed amending the admission colloquy set forth in Pa.R.J.C.P. 407(C) to add a question intended to ascertain a juvenile's understanding that returning to a school of origin may not be permitted due to the offense of "sexual assault." Thereafter, the Comment sets forth the enumerated offenses defined by the Act to be a "sexual assault." It is anticipated that the juvenile's counsel will advise the juvenile whether the admitted offense meets that statutory definition.

This proposal was published for comment. *See* 51 Pa.B. 1307 (March 13, 2021). No comments were received.

Post-publication, the additional commentary to Pa.R.J.C.P. 148 was expanded to include citation of the enumerated offenses constituting a "sexual assault" under the Act. Further, question 18 of the colloquy in Pa.R.J.C.P. 407 was revised to add "alternative education program."

These amendments become effective April 1, 2022.

[Pa.B. Doc. No. 21-2051. Filed for public inspection December 10, 2021, 9:00 a.m.]

**Title 237—JUVENILE RULES**

**PART I. RULES**

**[ 237 PA. CODE CHS. 2, 3 AND 4 ]**

**Order Amending Rules 240, 391 and 404 of the Pennsylvania Rules of Juvenile Court Procedure; No. 891 Supreme Court Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 30th day of November, 2021, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 50 Pa.B. 3836 (August 1, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 240, 391, and 404 are amended in the following form.

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



## Annex A

## TITLE 237. JUVENILE RULES

## PART I. RULES

## Subpart A. DELINQUENCY MATTERS

## CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

## PART D. PRE-ADJUDICATORY DETENTION

## Rule 240. Detention of Juvenile.

A. *Detention [ requirements ] Requirements.* If a juvenile is brought before the court or delivered to a detention facility designated by the court, the juvenile probation officer immediately shall:

- 1) examine the written allegation;
- 2) make an investigation, which may include an intake conference with the juvenile, the juvenile's attorney, guardian, or other interested and informed adult; and
- 3) release the juvenile, unless it appears that the juvenile's detention is warranted.

B. *Filing of [ petition ] Petition.* The release of the juvenile shall not prevent the subsequent filing of a petition.

C. *Prompt [ hearing ] Hearing.* If the juvenile is not released, a detention hearing shall be held no later than [ seventy-two ] 72 hours after the juvenile is placed in detention. Neither the juvenile nor the juvenile's attorney shall be permitted to waive the detention hearing.

D. *Time [ restrictions ] Restrictions.* Except as provided in [ paragraphs (D)(1) and (D)(2) ] **this paragraph**, if the adjudicatory hearing is not held [ or notice of request for transfer is not submitted within the ten-day period as specified in Rules 391 and 404 ], **as required by Rule 404(A), or a transfer hearing is not held, as required by Rule 391(B),** the juvenile shall be released.

1) [ A ] **Upon motion, a** juvenile may be detained for an additional single period not to exceed [ ten ] 10 days when the court determines that:

- a) evidence material to the case is unavailable;
- b) due diligence to obtain such evidence has been exercised; **and**
- c) there are reasonable grounds to believe that such evidence will be available at a later date[ ; and ].

[ d ] **the detention of the juvenile would be warranted.**

2) [ A ] **Upon motion, a** juvenile may be detained for [ successive ten-day intervals ] **additional periods, each of which shall not exceed 10 days,** if the delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile shall include, but not be limited to:

- a) delay caused by the unavailability of the juvenile or the juvenile's attorney;
- b) delay caused by any continuance granted at the request of the juvenile [ or the juvenile's attorney ]; or

c) delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile.

**3) Whenever extended detention is sought under this paragraph, the court shall consider whether detention remains warranted.**

## Comment

If a juvenile is detained, the guardian should be notified immediately. See Rules 220 (Procedure in Cases Commenced by Arrest Without Warrant) and 313(B) (Detention from Intake—Notice to Guardian) for notification of the guardian.

Nothing in paragraph (C) is intended to preclude the use of stipulations or agreements among the parties, subject to court review and acceptance at the detention hearing.

Under paragraph (D)(2), if the juvenile causes delay, the juvenile may continue to be held in detention. [ **The additional period** ] **Additional periods** of detention should not **individually** exceed ten days. [ **The court may continue such detention for successive ten-day intervals if the juvenile caused the delay.** ] The time restrictions of paragraph (D) apply to a juvenile who is placed in detention, even if previously released.

[ **For time restrictions on detention for juveniles scheduled for a transfer hearing to criminal proceedings, see Rule 391.** ]

**For motions for continuance, see Rule 122.**

**Under paragraph (D)(3), whenever extension of a juvenile's detention may result, the court should consider whether continued detention is warranted and whether a less restrictive alternative to secured detention is available. Factors for determining whether continued detention is warranted include: protection of the juvenile; protection of others or their property; the risk the juvenile may abscond or be removed from the court's jurisdiction; and whether the juvenile has a parent, guardian, or custodian able to provide supervision and care for the juvenile and return the juvenile to the court when required. See 42 Pa.C.S. § 6325.**

For statutory provisions on detention, see 42 Pa.C.S. §§ 6325, 6331, 6335. For the Juvenile Court Judges Commission's Detention Standards, see 37 Pa. Code §§ 200.101 *et seq.* ([ 2003 ] 2007).

If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. See Rule 120 and its Comment for definition of "detention facility."

**Official Note:** Rule 240 adopted April 1, 2005, effective October 1, 2005. Amended June 28, 2013, effective immediately. Amended May 16, 2017, effective July 1, 2017. **Amended November 30, 2021, effective April 1, 2022.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 240 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 240 published with the Court's Order at 43 Pa.B. 3938 (July 13, 2013).

Final Report explaining the amendments to Rule 240 published with the Court's Order at 47 Pa.B. 3078 (June 3, 2017).

**Final Report explaining the amendments to Rule 240 published with the Courts' Order at 51 Pa.B. 7629 (December 11, 2021).**

### CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

#### PART G. TRANSFER FOR CRIMINAL PROSECUTION

##### **Rule 391. Time Restrictions for Detention of Juveniles Scheduled for Transfer Hearing.**

A. *Generally.* The detention requirements of Rules 240, 241, 242, and 243 shall be followed for juveniles scheduled for a transfer hearing [ **except for the time restrictions provided in paragraph (B) of this rule** ].

B. *Time Restrictions.* If the transfer hearing is not held within [ **ten** ] **10** days of the filing of the notice of request for transfer to criminal proceedings, the juvenile shall be released [ **except as provided in paragraphs (B)(1) and (B)(2)** ] **unless the exceptions of Rule 240(D) apply.**

[ **1** ] **A juvenile may be detained for an additional single period not to exceed ten days when the court determines:**

a) **that evidence material to the case is unavailable, including a psychological or psychiatric evaluation;**

b) **that due diligence to obtain such evidence or evaluation has been exercised;**

c) **that there are reasonable grounds to believe that such evidence or evaluation will be available at a later date; and**

d) **that the detention of the juvenile would be warranted.**

2) **A juvenile may be detained for successive ten-day intervals if the result of delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile shall include, but not be limited to:**

a) **delay caused by the unavailability of the juvenile or the juvenile's attorney;**

b) **delay caused by any continuance granted at the request of the juvenile or the juvenile's attorney; or**

c) **delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile. ]**

#### **Comment**

The filing of a request for transfer to criminal proceedings resets the [ **ten-day** ] **10-day** clock for a hearing for the juvenile in detention. The transfer hearing is to be held within [ **ten** ] **10** days of the filing of a request for transfer to criminal proceedings, not [ **ten** ] **10** days from the date of detention for the juvenile. This time requirement is different than the time requirement for the adjudicatory hearing under Rule 240(D). *See* Rule 800.

[ **Under Paragraph (B)(1), the case may be extended for only one single period of ten days. However, under paragraph (B)(2) when the juvenile causes delay, the case may be extended for successive ten-day intervals. ]**

***Official Note:*** Rule 391 adopted April 1, 2005, effective October 1, 2005. **Amended November 30, 2021, effective April 1, 2022.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 391 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 391 published with the Courts' Order at 51 Pa.B. 7629 (December 11, 2021).**

### CHAPTER 4. ADJUDICATORY HEARING

#### **Rule 404. Prompt Adjudicatory Hearing.**

A. *Detained [juvenile] Juvenile.* If the juvenile is detained, an adjudicatory hearing shall be held within [ **ten** ] **10** days of the filing of the petition. If the adjudicatory hearing is not held within [ **ten** ] **10** days, the juvenile shall be released unless the exceptions of Rule 240(D) apply.

B. *Non-detained [juvenile] Juvenile.* If the juvenile is not detained, the adjudicatory hearing shall be held within a reasonable time.

[ **C. Juveniles transferred from criminal proceedings. Notwithstanding the provisions of paragraphs (A) and (B), if a petition was filed pursuant to Rule 337, an adjudicatory hearing shall be held within ten days of the filing of the petition. ]**

#### **Comment**

**The "filing of a petition" in paragraph (A) includes petitions filed pursuant to Rule 337 if the juvenile is detained following transfer from criminal proceedings.**

***Official Note:*** Rule 404 adopted April 1, 2005, effective October 1, 2005. Amended July 31, 2012, effective November 1, 2012. **Amended November 30, 2021, effective April 1, 2022.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 404 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 404 published with the Court's Order at 42 Pa.B. 5350 (August 18, 2012).

**Final Report explaining the amendments to Rule 404 published with the Courts' Order at 51 Pa.B. 7629 (December 11, 2021).**

### ADOPTION REPORT

#### **Amendment of Pa.R.J.C.P. 240, 391, and 404**

On November 30, 2021, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 240, 391, and 404 to clarify procedures to permit the extended detention of a juvenile when procedural requirements are not met. The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rule-making 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.

The Juvenile Act permits a juvenile to be detained prior to an adjudicatory hearing. *See* 42 Pa.C.S. § 6325. The Pennsylvania Rules of Juvenile Court Procedure implement this aspect of the Juvenile Act. *See* Pa.R.J.C.P.

240—243. Pre-adjudicatory detention of a juvenile is typically brief because the juvenile is expected to receive a prompt adjudicatory hearing within 10 days of the filing of a petition. *See* Pa.R.J.C.P. 404(A).

If a detained juvenile does not receive a prompt adjudicatory hearing, then the juvenile is to be immediately released. *See* 42 Pa.C.S. § 6335(a); Pa.R.J.C.P. 404(A). However, there are two exceptions to immediate release when the adjudicatory hearing is delayed due to: 1) presently unavailable evidence and the juvenile's life would be in danger, the community would be endangered, or the juvenile will fail to appear at the hearing; or 2) the juvenile. *See* 42 Pa.C.S. § 6335(a), (f). These exceptions are generally codified at Pa.R.J.C.P. 240(D)(1)-(D)(2).

When a timely hearing cannot be held and either exception is applicable, the juvenile is not immediately released. Instead, the juvenile court must decide whether to release the juvenile or continue to detain the juvenile. *See* 42 Pa.C.S. § 6335(a), (f) (permitting, but not requiring, continued detention); Pa.R.J.C.P. 240(D) (same).

The Committee published for comment several amendments to the rules governing extended pre-adjudicatory detention. *See* 50 Pa.B. 3836 (August 1, 2020). First, Rule 391(B) states “if the transfer hearing is not held within ten days of the filing of the notice of request for transfer to criminal proceedings, the juvenile shall be released except as provided in paragraphs (B)(1) and (B)(2).” The text of paragraphs (B)(1) and (B)(2) are almost identical to Rule 240(D) with the exception of “including a psychological or psychiatric evaluation” in paragraph (B)(1)(a). Rather than repeat the language of Rule 240(D), the Committee proposed removing the language from Rule 391(B)(1) and (B)(2) and refer the reader to Rule 240(D). A similar approach had already been taken with Rule 404(A).

Second, Rule 240(D) states “except as provided in paragraph (D)(1) and (D)(2), if the adjudicatory hearing is not held or notice of request for transfer is not submitted within the ten-day period as specified in Rules 391 and 404, the juvenile shall be released.” It was apparent to the Committee that the triggering event for continued detention when a transfer is initiated differs between Rule 391(B) and Rule 240(D). Rule 391(B) is triggered when a transfer hearing is untimely whereas Rule 240(D) is triggered when the notice of request for a transfer hearing is untimely. The Committee believed that the triggering event should be the transfer hearing, not the notice. Therefore, the Committee proposed amending Rule 240(D) to include the transfer hearing and remove mention of the notice.

Third, the Committee proposed introducing a motion requirement to Rule 240(D). This requirement is not separate from that for seeking a continuance, but part of a motion for continuance pursuant to Rule 122. The Committee also proposed expanding the court's consideration of the necessity for continued detention anytime that continued detention is sought. Finally, the Committee proposed removing the juvenile's attorney as a cause for the juvenile's continued detention, as set forth in Rule 240(D)(2)(a)-(b).

In response to the proposal, concern was expressed that the proposed amendment of Rule 240(D)(2)(a), which would result in the juvenile's immediate release for delays attributable to a juvenile's attorney's unavailability, may have ventured beyond procedure and into substantive matters. Further, there was a potential public safety

concern if an attorney's unavailability may otherwise result in the release of a juvenile who may pose a threat to the public.

The Committee acknowledges 42 Pa.C.S. § 6335(f)(1) is unambiguous: if a juvenile's attorney is unavailable, then the juvenile can be further detained. Subjecting a juvenile to further detention is a substantive matter involving one's liberty interest. Any remedy to the application of § 6335(f)(1) lies with the General Assembly through amendment of the Juvenile Act rather than through rulemaking. Accordingly, the proposed amendment of Rule 240(D)(2)(a) was removed from the proposal.

Post-publication, the Committee considered the interplay of Pa.R.J.C.P. 240(D) and Pa.R.J.C.P. 404. The time requirements for an adjudicatory hearing pursuant to paragraphs (A) and (B) of Pa.R.J.C.P. 404 (Prompt Adjudicatory Hearing) pivot on whether a juvenile is detained. However, paragraph (C) treats decertified juveniles differently: “Notwithstanding the provisions of paragraphs (A) and (B), if a petition was filed pursuant to Rule 337, an adjudicatory hearing shall be held within ten days of the filing of the petition.”

Paragraph (C) did not account for whether a juvenile was being detained and often decertifications are complicated cases involving severe types of offenses. The Committee considered whether the hearing deadline should also pivot on whether the juvenile is detained, noting that the Comment to Pa.R.J.C.P. 337 (Filing of Petition After Case has been Transferred from Criminal Proceedings) states: “If the juvenile is detained, an adjudicatory hearing is to be held within ten days of the filing of the petition. *See also* Rule 404.” Additionally, paragraph (C) did not acknowledge that the youth may have been released on bail in criminal court and likewise might not be placed in detention by the juvenile court.

The Committee recommended removing paragraph (C) from Rule 404 so that juveniles transferred from criminal court would be subject to either paragraph (A) or paragraph (B) depending on their detention status. A Comment was added to instruct the reader.

Additional commentary was added post-publication to Pa.R.J.C.P. 240 setting forth the factors to be considered when the court considers whether continued detention is warranted.

These amendments become effective April 1, 2022.

[Pa.B. Doc. No. 21-2052. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

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

**Order Amending Rules 1120, 1149, 1330, 1409, 1512, 1514, 1515 and 1608—1611 of the Pennsylvania Rules of Juvenile Court Procedure; No. 889 Supreme Court Rules Doc.**

#### Order

*Per Curiam*

*And Now*, this 30th day of November, 2021, upon the recommendation of the Juvenile Court Procedural Rules



Committee, the proposal having been published for public comment at 51 Pa.B. 3095 (June 5, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608-1611 are amended in the following form.

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

**Annex A**

**TITLE 237. JUVENILE RULES**

**PART I. RULES**

**Subpart B. DEPENDENCY MATTERS**

**CHAPTER 11. GENERAL PROVISIONS**

**PART A. BUSINESS OF COURTS**

**Rule 1120. Definitions.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

The definition of “proceeding” includes all formal stages once a shelter care application has been submitted or a petition has been filed, including all subsequent proceedings until supervision is terminated pursuant to Rule 1613.

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

**Committee Explanatory Reports:**

Final Report explaining the provisions of Rule 1120 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 39 Pa.B. 1614 (April 4, 2009).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. 2839 (June 4, 2011).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 43 Pa.B. 3941 (July 13, 2013).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1120 published with Court’s Order at 44 Pa.B. 5447 (August 16, 2014).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 45 Pa.B. 7289 (December 26, 2015).

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

**PART B(1). EDUCATION AND HEALTH OF CHILD**

**Rule 1149. Family Finding.**

*A. Court’s inquiry and determination.*

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

\* \* \* \* \*

**Comment**

\* \* \* \* \*

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

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

\* \* \* \* \*

Paragraph (B)(3) is meant to include notice of intent to adopt, petition to adopt, or voluntary relinquishment of parental rights, or consent to adopt.

[ *Official Note*: Rule 1149 adopted July 13, 2015, effective October 1, 2015.

**Committee Explanatory Reports:**

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

**CHAPTER 13. PRE-ADJUDICATORY PROCEDURES**

**PART C. PETITION**

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

\* \* \* \* \*



Comment

\* \* \* \* \*

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

\* \* \* \* \*

The aggravated circumstances, as defined by 42 Pa.C.S. § 6302, are to be specifically identified in the motion for finding of aggravated circumstances.

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

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1330 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

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

CHAPTER 14. ADJUDICATORY HEARING

Rule 1409. Adjudication of Dependency [ & ] and Court Order.

\* \* \* \* \*

Comment

\* \* \* \* \*

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

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

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1409 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

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

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

\* \* \* \* \*

Comment

\* \* \* \* \*

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to

utilize its powers to enforce this legislative mandate. See [ 62 P.S. § 1301 ] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1514, 1515, and 1608 [ , 1609, 1610, and ]—1611.

\* \* \* \* \*

See Rule 1136 for ex parte communications.

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

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1512 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

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

Rule 1514. Dispositional Finding Before Removal From Home.

\* \* \* \* \*

Comment

\* \* \* \* \*

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

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

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1514 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1514 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

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

Rule 1515. Dispositional Order.

\* \* \* \* \*

Comment

\* \* \* \* \*

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See [ 62 P.S. § 1301 ] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, and 1608[ , 1609, 1610, and ]—1611.

\* \* \* \* \*

See *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990).

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

**Committee Explanatory Reports:**

Final Report explaining the provisions of Rule 1515 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1515 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).

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

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

\* \* \* \* \*

Comment

\* \* \* \* \*

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

\* \* \* \* \*

See Rule 1610 for permanency hearing for children over the age of eighteen.

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

**Committee Explanatory Reports:**

Final Report explaining the provisions of Rule 1608 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

explaining the amendments to Rule 1608 published with the Court’s Order at 40 Pa.B. 21 (January 2, 2010).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 41 Pa.B. 2430 (May 14, 2011).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 45 Pa.B. 7289 (December 26, 2015).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 46 Pa.B. 3416 (July 2, 2016).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 47 Pa.B. 2313 (April 22, 2017).

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

Rule 1609. Permanency Hearing Orders.

\* \* \* \* \*

Comment

\* \* \* \* \*

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

\* \* \* \* \*

See Rule 1611 for permanency hearing orders for children over the age of eighteen.

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

**Committee Explanatory Reports:**

Final Report explaining the provisions of Rule 1609 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1609 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1609 published with the Court’s Order at 43 Pa.B. 6658 (November 9, 2013).

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

Rule 1610. Permanency Hearing for Children Over Eighteen.

\* \* \* \* \*

## Comment

\* \* \* \* \*

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

\* \* \* \* \*

When the court has resumed jurisdiction pursuant to Rule 1635, the court is to schedule regular permanency hearings. The county agency is to develop a new transition plan for the child.

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

**Committee Explanatory Reports:**

**Final Report explaining the provisions of Rule 1610 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).**

**Final Report explaining the amendments to Rule 1610 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).**

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

**Rule 1611. Permanency Hearing Orders for Children Over Eighteen.**

\* \* \* \* \*

## Comment

\* \* \* \* \*

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

\* \* \* \* \*

Pursuant to paragraph (E), the court's order is to address the child's needs concerning health care and disability. *See* Comment to Rule 1609(F).

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

**Committee Explanatory Reports:**

**Final Report explaining the provisions of Rule 1611 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).**

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

## ADOPTION REPORT

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

On November 30, 2021, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608—1611 to reflect the amendment of Title 67 of the Pennsylvania Consolidated Statutes to, *inter alia*, add Chapter 31 governing, in part, the family finding requirements resulting from the Act of June 29, 2019, P.L. 93, No. 14. *See* 67 Pa.C.S. §§ 3101—3104. The Juvenile Court Procedural Rules Committee 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.

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

In *Washington v. Department of Public Welfare*, 188 A.3d 1135 (Pa. 2018), the Court held that the manner in which the Act of June 30, 2012, P.L. 668, No. 80 was passed by the General Assembly violated Article III, Section 4 of the Pennsylvania Constitution. Accordingly, the Court struck Act 80 in its entirety as unconstitutional. Act 80 included provisions related to kinship care and custody subsidies. *See* 62 P.S. §§ 1302, 1303, 1303.1, and 1303.2. Thereafter, the General Assembly passed the Act of June 29, 2019, P.L. 93, No. 14, which added the substance of 62 P.S. §§ 1301—1303.2 to 67 Pa.C.S. §§ 3101—3104, retroactive to the date of the Court's decision in *Washington*.

The Committee published a proposal to update the statutory citations within the rules to correspond with those now located in Title 67 of the *Pennsylvania Consolidated Statutes*. *See* 51 Pa.B. 3095 (June 5, 2021). No comments were received.

These amendments become effective January 1, 2022.

[Pa.B. Doc. No. 21-2053. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART 1. GENERAL

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

#### Order Amending Rule 217 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 464 Magisterial Rules Doc.

#### Order

#### *Per Curiam*

*And Now*, this 1st day of December, 2021, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):



It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 217 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges is amended in the following form.

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

### Annex A

## TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

#### CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

#### Rule 217. Confidential Information and Confidential Documents. Certification.

Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, who files a document pursuant to these rules with a magisterial district court shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) including a certification of compliance with the Policy and, as necessary, a Confidential Information Form[ , **unless otherwise specified by rule or order of court,** ] or a Confidential Document Form in accordance with the Policy.

**Official Note:** Applicable authority includes but is not limited to statute, procedural rule or court order. The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) can be found on the website of the Supreme Court of Pennsylvania at [ <http://www.pacourts.us/public-records> ] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The Confidential Information Form and the Confidential Document Form can be found at [ <http://www.pacourts.us/public-records> ] <https://www.pacourts.us/public-records>.

### ADOPTION REPORT

#### Amendment of Pa.R.Civ.P.M.D.J. 217

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 217 to conform with recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Policy”). See Order of October 6, 2021, No. 556 Judicial Administration Docket. The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process as it relates to Pa.R.Civ.P.M.D.J. 217. 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.

The amendments to the Policy, effective on January 1, 2022, require the statewide use of the Confidential Information Form to safeguard confidential information and eliminate the ability of a court to adopt a rule or order

permitting the filing of any document in two versions, redacted and unredacted. While the Policy never permitted the filing of redacted/unredacted versions in the magisterial district courts, the Committee recommended deleting an exception to Rule 217, which permitted a rule or order of court to supersede the requirement to attach of a Confidential Information Form, if necessary.

[Pa.B. Doc. No. 21-2054. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Civil Division; Local Rules of the Court of Common Pleas; No. AD-2021-203-PJ Rules Doc.

#### Order of Court

And Now, this 29th day of November, 2021, it is hereby Ordered that the following proposed amendments to local rules of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

KIM BERKELEY CLARK,  
*President Judge*

#### Rule 205.4. Electronic Filing of Legal Papers in Allegheny County.

*Note:* This Local Rule has been promulgated in compliance with Pa.R.Civ.P. 239.9(a) which provides, “If a court permits or requires the electronic filing of legal papers with the Department of Court Records, the court must promulgate a local rule designated Local Rule 205.4 which sets forth in detail the practice and procedure to file a legal paper electronically and includes the matters set forth in this rule.”

(a)(1) Except as noted in the subsections below, use of the Allegheny County Department of Court Records Civil/Family Division (hereinafter “DCR”) electronic filing system is permissive for the filing of all legal papers, including original process, in all actions and proceedings brought in or appealed to the court.

*Note:* A “legal paper” is defined in Pa.R.C.P. 205.4(2) as “a pleading or other paper filed in an action, including exhibits and attachments.”

A. Use of the DCR’s electronic filing system is mandatory for all actions and proceedings involving personal injury or death allegedly caused by asbestos.

B. Use of the DCR’s electronic filing system is not permitted for the following Civil Division Filings:

1. Initial filings in Petitions for Name Change;

*Note:* Secondary filings in Petitions for Name Change may be filed electronically.

2. Initial filings for Exemplification of Records;

*Note:* Secondary filings involving Exemplification of Records may be filed electronically.

3. Cases or filings under seal.

C. The following filings are permitted to be filed through the [ DCR ] DCR’s electronic filing system but



will not be scheduled for argument unless a party obtains a hearing date as indicated below:

1. The following secondary filings in General Docket [ **Cases,** ] **and Arbitration Docket cases, for which procedures for scheduling argument are set forth in the local rules indicated below:** (i) preliminary objections (see **Local Rule 1028(c)**), (ii) **petitions** (see **Local Rule 206.4(c)**); (iii) motions for judgment on the pleadings [ ; or (iii) ] (see **Local Rule 1034(a)**); and (iv) motions for summary judgment (see **Local Rule 1035.2(a)**). [ **For scheduling oral argument, a copy of these filings must be presented to the: (i) Chief Motions Clerk for preliminary objections and (ii) Calendar Control Clerk for motions for summary judgment and motions for judgment on the pleadings.**

2. The following secondary filings in compulsory arbitration cases: (i) preliminary objections, (ii) petitions, or (iii) motions. For scheduling oral argument, a copy of these filings must be presented to the Arbitration Clerk in Room 702, City County Building to obtain an argument date.

3. ] 2. The following secondary filings in Housing Court cases [ : (i) preliminary objections, (ii) petitions, or (iii) motions. For scheduling oral argument, a copy of these filings must be presented to the Housing Court Clerk (Housing Court Help desk, Department of Court Records, City County Building) to obtain an argument date. ] **for which procedures for scheduling argument are set forth in the local rules indicated below: (i) preliminary objections (see Local Rule 1028(c)), (ii) petitions (see Local Rule 206.4(c)); (iii) motions for judgment on the pleadings (see Local Rule 1034(a)); and (iv) motions for summary judgment (see Local Rule 1035.2(a)).**

D. Use of the DCR's electronic filing system is not permitted for the following Family Division [ **Filings** ] **filings:**

1. Legal papers relating to Protection From Abuse matters which must be processed with the PFA [ **Office** ] **office** in Family Division before they can be filed.

2. Legal papers relating to custody, partial custody or visitation matters which must be processed through the Generations office before they can be filed.

3. Legal papers relating to spousal or child support must be processed through Family Division before they can be filed.

4. Legal papers relating to divorce which contain or address counts or counterclaims for support, alimony pendente lite, alimony or custody, partial custody and visitation, must be processed through the offices to which reference is made in [ (C)(1) ] **(D)(1)**, (2) or (3) of this subsection.

*Note:* Divorce pleadings which do not include or address any of the counts enumerated above may be filed electronically, including but not limited to, § 3301(c) or § 3301(d) affidavits of consent, counteraffidavits, waiver of notice of intention to request entry of a decree, notice of intention to request a divorce decree, and praecipe to transmit the record.

5. [ **Any and all** ] **All** legal papers which must be presented to a Family Division Judge in motions **court** before filing with the [ **Office** ] **office** of the DCR.

(b)(1) Legal papers may be filed using the DCR's electronic filing system in the following file formats only: Portable Document Format (.pdf), Microsoft Word (.doc or .docx), WordPerfect for Windows, version 6.0 or higher (.wpd), TIF (.tif), GIF (.gif), JPEG (.jpg), or PCX (.pcx).

(c)(1) [RESERVED]

(2) The DCR's electronic filing website is dcr.allegHENYcounty.us ("www" does not appear before and ".com" does not appear after this web address). Persons may access the DCR's electronic filing system by first registering and establishing a User ID and password using the "Register" link at the DCR's electronic filing website. The User ID for Pennsylvania licensed attorneys is their Supreme Court of Pennsylvania identification number issued by the [ **Court** ] **court**. Non-attorney users may, at the time of registration, designate any combination of letters or numbers they may wish to use as a User ID.

(d)(1) The following credit and debit cards may be used on the DCR's electronic filing website to pay filing-related fees: Visa, MasterCard, Discover, and American Express. Such fees may also be paid by depositing in advance sufficient funds with the DCR. The DCR may also accept payments by electronic checking/ACH (Automatic Clearing House). See the DCR website for additional information.

(2) [RESERVED]

(3) [Intentionally omitted as Allegheny County has not designated a third party to operate the electronic filing system.]

(e) [RESERVED]

(f)(1) When a legal paper has been successfully transmitted electronically, the DCR's electronic filing website shall generate a printable acknowledgement page and shall transmit to the filer an initial [ **e-mail** ] **email** confirming the electronic receipt of the legal paper and the date and time thereof. Subsequently, after the DCR has processed the electronic filing, the DCR shall transmit, to the filer, an [ **e-mail** ] **email** stating the date and time of acceptance of the filing or stating that the filing has not been accepted and the reasons for non-acceptance. A legal paper will not be considered filed if the DCR responds to the filing by notifying the filer that the filer has not (i) maintained with the DCR sufficient funds to pay the fees and costs of the filing or (ii) authorized payment by credit or debit card of such fees and costs.

(2) The DCR shall maintain an electronic file for the legal papers, including original process, in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923.

(3) [RESERVED]

(4) The procedures for payment of the fees and costs of the DCR shall be set forth on the DCR website: [ **web-site:** ] dcr.allegHENYcounty.us (www. does not appear before and ".com" does not appear after this web address).

(5) [RESERVED]

**Local Rule 206.4(c). Procedures for the Disposition of Petitions.****(1) Scope.**

This local rule describes the procedures for an application to **strike and/or** open a default judgment or a judgment of non pros governed by Pa.R.C.P. 206.1 et seq.

*Note:* This court has not promulgated a local rule, numbered Local Rule 206.1(a)(2), which provides for any other application to be governed by Rule 206.1 et seq.

**(2) General Docket and Arbitration Docket Cases—Striking and/or Opening a Default Judgment or a Judgment of Non Pros.**

(a) A petition to **strike and/or** open a default judgment or a judgment of non pros shall be presented to the **General** Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

*Note:* The court does not schedule the date and time of presentation. The petitioner selects a date and time at which the **General** Motions Judge is hearing motions and petitions. See Civil Division link on the Website of the Common Pleas Court of Allegheny County ([www.allegheycourts.us](http://www.allegheycourts.us)) for the name and courtroom of the judge who is sitting as the **General** Motions Judge and the times that matters which have not been scheduled with the court may be presented. Ordinarily, unscheduled matters may be presented each day at 9:30 A.M. and 1:30 P.M.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule to show cause is entered, the court order issuing the rule shall set the time within which the answer to the petition shall be filed and the time within which depositions shall be completed. If the court order does not set an argument date, at any time after the date by which the depositions were to be completed, any party may order the cause for argument before the **General** Motions Judge by [ **delivering to the Chief Motions Clerk** ] **filing** a praecipe to set a date and time for the final argument [ **. The party obtaining the time and date for the final argument** ] **and transmitting a copy of the praecipe to the following email address: [Civilgenmotions@allegheycourts.us](mailto:Civilgenmotions@allegheycourts.us). The Chief Motions Clerk shall notify the moving party of the time and date for the final argument and the moving party** shall promptly serve written notice thereof upon all other parties to the proceedings.

[ *Note:* The Chief Motions Clerk will be in the Courtroom of the Motions Judge. ]

(c) Depositions and other evidence that a court may consider shall be filed at least fourteen (14) days before the argument date.

(d) Briefs are required. The brief of the moving party shall be filed with the Department of Court Records and served on all other parties at least fourteen (14) days prior to the argument. The brief of the party opposing the petition shall be filed at least seven (7) days prior to the argument.

**[ (3) General Docket Cases—Opening a Judgment of Non Pros.**

(a) A petition to open a judgment of non pros shall be presented to the Special Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

*Note:* See “Civil Division” on the Website of the Common Pleas Court of Allegheny County ([www.allegheycourts.us](http://www.allegheycourts.us)) for the name of the judge who is sitting as the Special Motions Judge and the times matters may be presented. Ordinarily, the Special Motions Judge will be available on Fridays.

The moving party may obtain an argument date and time for the presentation by contacting the Assignment Room (Room 700 of the City-County Building, 412-350-5463) on Mondays through Fridays between 1:30 P.M. and 4:30 P.M. Or the moving party may, after giving appropriate notice to all parties, place the matter on the 2:00 P.M. Add-On List, located in the Courtroom of the Special Motions Judge, at any time after 8:30 A.M. on the Friday on which it will be presented.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule is issued, the court order issuing the rule shall set forth the time within which the answer to the petition shall be filed and within which depositions shall be completed, and the date of the final argument before the Special Motions Judge.

(c) Briefs are not required unless the court order issuing the rule provides for the filing of briefs.

**(4) Arbitration Cases—Opening Default Judgments and Judgments of Non Pros.**

(a) The original and a copy of the petition to open a default judgment or a judgment of non pros shall be taken to an Arbitration Department Clerk (Room 536, Allegheny County Courthouse). The clerk will place on the original and the copy of the petition a date and time (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.

(b) The petitioner shall notify an Arbitration Department Clerk (412-350-5625) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.

**(5) [ (3) Housing Court Cases—Striking and/or Opening Default Judgments and Judgments of Non Pros.**

(a) The original and a copy of the petition to **strike and/or** open a default judgment or a judgment of non pros (or a copy if filed electronically) shall be taken to the

Housing Court Clerk (Housing Court Help Desk: First Floor City County Building, **414 Grant Street, Pittsburgh, PA 15219**). The clerk will place, on the original and the copy of the petition, a date and time for an argument before the Housing Court Judge. The clerk will file the original **petition** with the Department of Court Records and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.

(b) The petitioner shall notify a Housing Court Clerk (412-350-4462) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.

*Note:* A form for filing a petition to **strike and/or** open a default judgment for pro se petitioners is available at the Housing Court Help Desk.

### **Local Rule 208.3(a). Procedures for the Disposition of Motions.**

#### **[ (1) Scope.**

(a)(i) **[ (1)** As used in this rule, “motion” means any application to the court made in any civil action or proceeding except as provided by subdivisions (b)(1) and (2) of Pa.R.C.P. 208.1.

**[ Note: The term “motion” as used in Pa.R.C.P. 208.1 and in this local rule does not include preliminary objections (governed by Local Rule 1028(c)), motions for judgment on the pleadings (governed by Local Rule 1034(a)), motions for summary judgment (governed by Local Rule 1035.2(a)), or petitions to open a default judgment or a judgment of non pros (governed by Local Rule 206.4(c)).**

(ii) **[ (a)** This court has not promulgated a local rule, numbered Local Rule 208.3(b), because this court has not imposed requirements for the filing of a response or a brief with respect to any motion. **However, the parties are encouraged to submit briefs when it is anticipated that the court will want to consider briefs before deciding the issue.**

**[ (iii) ] (b)** This local rule does not govern motions filed in **[ eminent domain proceedings, asbestos litigation and cases otherwise designated by the Court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex, name changes matters that a re assigned to the Special Name Change Judge (see Local Rule 505 for name changes) rather than the General Motions Judge, and any other cases ] specially assigned cases (see the court’s website page for a list of the specially assigned case types) or any other case specially assigned by an order of court to a single judge. Procedures for disposition of motions in specially-assigned cases may be established by case management orders, standard operating procedures, or other directives issued by the assigned judge.**

***Note:* At the time of these amendments the following matters are identified on the Court’s website as specially assigned case types: Abandoned & Blighted Property Conservator (see Local Rules 701 et seq.), Asbestos, Class Action, Commerce & Complex Litigation Center, Construction, County Beverage Tax, Election, Eminent Domain, [ Housing ], Mortgage Conciliation, Pennsylvania Liquor Con-**

**trol Board, Prisoner Rights, Right-to-Know, Save Your Home, Special Name Change (see Local Rule 505), Structured Settlement Approvals, Toxic Substance, Water Exoneration Hearing Board Appeals, and Zoning. This list is periodically updated.**

**[ (iv) ] (c) Procedures for disposition of the following are set forth in the following local rules:**

**(i) Preliminary objections (governed by Local Rule 1028(c)),**

**(ii) Motions for judgment on the pleadings (governed by Local Rule 1034(a)),**

**(iii) Motions for summary judgment (governed by Local Rule 1035.2(a)), and**

**(iv) Petitions to strike and/or open a default judgment or a judgment of non pros (governed by Local Rule 206.4(c)).**

**(2) Procedure applicable to all motions:** A motion may be presented only after service of the copy of the motion and notice of the date, time, and location of presentation on all other parties. Except in cases of emergency, or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the motion and the notice of the date of presentation.

***Note:* If after reviewing Sections (3) through (6) below questions remain as to where a motion should be presented or which judges should hear a particular motion, please send an inquiry email to [Civilgenmotions@alleghenycourts.us](mailto:Civilgenmotions@alleghenycourts.us).**

#### **[ (2) General Docket Cases—General Provisions.**

(a) Motions described in Local Rule 208.3(a)(3) shall be presented to the Calendar Control Judge, motions described in Local Rule 208.3(a)(4) shall be presented to the Motions Judge, and motions described in Local Rule 208.3(a)(5) shall be presented to the Special Motions Judge. Litigants may contact the Chief Motions Clerk (412-350-5644) if they are uncertain as to which of the judges should hear a particular motion.

(b) A motion may be presented only after service of the copy of the motion and notice of the date of presentation on all other parties. Except in cases of emergency, or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the motion and the notice of the date of presentation.

***Note:* The court does not schedule the date and time of presentation. The moving party/petitioner selects a date and time at which the appropriate judge is scheduled to hear motions. See “Civil Division” on the Website of the Common Pleas Court of Allegheny County ([www.allegheny.courts.us](http://www.allegheny.courts.us)) for the name and courtroom of the judge who is sitting as the Calendar Control Judge, General Motions Judge, Discovery Motions Judge, or Housing Motions Judge and the times at which unscheduled matters may be presented. Ordinarily, motions may be presented each day to the Motions Judge at 9:30 A.M. and 1:30 P.M. in Courtroom 703; motions may be presented to the Calendar Control Judge, typically at 8:30 A.M. on days on which there is a call of the list and at 9:00 A.M. on other days on which motions are being heard; motions may be presented to the Discovery Motions Judge only on a Friday (see subsections (5)(c) and (6)(b) below);**



Housing Court Motions are all specifically scheduled through the Housing Court Help Desk, see subparagraph (6) below.

(c) There is no requirement for the filing of a response or the filing of briefs prior to presentation. However, the parties are encouraged to submit briefs when it is anticipated that the court will wish to consider briefs before deciding the issue. ]

(3) Calendar Control Judge.

(a) [ Motions ] The Calendar Control Judge shall hear the following:

i. All motions in any case that has been listed for trial or has appeared on a published trial list shall be presented to the Calendar Control Judge. This includes all motions that would otherwise have been heard by the General Motions Judge or the [ Special ] Discovery Motions Judge.

*Note:* The docket will show if a case has been listed for trial on a published trial list. For docket entries, go to <https://dcr.alleghenycounty.us> and click on Civil/Family Division, then "Search" and enter the docket number.

[ (b) In any case, including a case that is not on a published trial list, all motions relating to the following matters shall be presented to the Calendar Control Judge: ] ii. All motions relating to the following matters, regardless of whether a case has been listed for trial or has appeared on a published trial list:

[ (i) ] (a) the compromise, settlement, and discontinuance of an action to which a minor is a party; [ and ]

*Note:* See Local Rule 2039 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2039.

[ (ii) ] (b) the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party;

*Note:* See Local Rule 2064 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2064.

(c) praecipies to place at issue; and

(d) contested motions for continuance of an arbitration hearing, other than in Housing Court cases (which are presented to the Housing Court Judge. Such motions shall be presented using the Cover Sheet and Adjournment of Hearing Form (Form 208.3(a)) which is available on the Court's website at <https://www.alleghenycourts.us/civil/arbitration.aspx>.

*Note:* To reschedule an arbitration hearing date with agreement of all parties, an Adjournment of Hearing Form shall be presented to the arbitration email at [civilarb@alleghenycourts.us](mailto:civilarb@alleghenycourts.us). These procedures are published on the Court's website at <https://www.alleghenycourts.us/courts/arbitration.aspx>.

(b) Presentation:

(i) The Calendar Control Judge does not schedule the date or time of presentation. The moving party/petitioner selects the date and time for presentation.

*Note:* Calendar Control Motions are generally held at 9:30 a.m. Please refer to the Calendar Control Judge's standard operating procedures and the Calendar Control Motions schedule, which can be found at: [https://www.alleghenycourts.us/Civil/Calendar\\_Control\\_New.aspx](https://www.alleghenycourts.us/Civil/Calendar_Control_New.aspx).

(ii) A courtesy copy shall be provided to the Calendar Control Judge in advance of presentation of the motion.

(4) Discovery Motions Judge.

[ (a) For any General Docket case that is not on a published trial list, motions and petitions relating to the following matters shall be presented to the Motions Judge:

(i) opening or striking default and confessed judgments;

(ii) requests for preliminary or special injunctive relief;

*Note:* Enforcement of a court order providing preliminary or special injunctive relief shall be presented to the judge who issued the court order.

(iii) relief provided for in replevin actions under Pa.R.C.P. 1075.1 to 1086;

(iv) relief provided for in the Rules of Civil Procedure governing enforcement of money judgments (Pa.R.C.P. 3101 to 3291) except for discovery in aid of execution which is presented to the Special Motions Judge;

*Note:* These matters are presented to the Motions Judge for all General Docket cases, including cases that have appeared on a published trial list.

(v) requests to proceed in forma pauperis in General Docket and Arbitration proceedings; and

(vi) continuances of any arguments on the General Argument List.

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Special Motions Judge (see subdivision (5)(a) of this Local Rule) or to the Motions Judge (see subdivision (4)(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge. ]

(a) The Discovery Motions Judge shall hear the following:

(i) All discovery motions for General and Arbitration Docket cases that have not yet appeared on a published trial list or been assigned a trial date; with the exceptions set forth below in subsection (iv) this includes Arbitration Docket cases which have been assigned an arbitration hearing date (although such motions are disfavored);

*Note:* The scheduling of an arbitration hearing does not constitute appearance on a published trial list or the assignment of a trial date.

(ii) All motions relating to pre-complaint discovery;

(iii) Discovery in aid of execution;

(iv) All motions to dismiss based upon affidavits of non-involvement pursuant to Pa.R.C.P. No. 1036 et seq.

(b) The following discovery motions will not be heard by the Discovery Motions Judge and shall be heard by the General Motions Judge:

i. Requests for injunctive relief, including discovery on requests for injunctive relief; and



ii. Discovery disputes relating to or arising out of a Rule to Show Cause issued by the General Motions Judge.

(c) Discovery motions assigned to a specific Judge shall be heard by the assigned judge.

(d) Presentation

(i) The Discovery Motions Judge does not schedule the date of time of presentation, but typically hears all motions at 2:00 p.m. on Fridays, unless otherwise indicated. Scheduling is not required.

(ii) Absent compelling circumstances, the court requires the parties to conduct a meaningful "meet and confer" prior to presentation of any contested motion. The court will inquire into the specifics of the meet and confer during the hearing.

(iii) All parties must bring an additional cover-sheet/caption for the benefit of the Court Reporter.

(iv) The moving party shall, upon entering the court room, present to the clerk all motions and coversheets. The moving party shall indicate whether the motion is contested or uncontested/unopposed. If a party is unable to represent to the clerk affirmative assent to a motion being uncontested/unopposed, the motion shall be classified as contested. See explanatory note below.

a. Uncontested or unopposed motions will be heard first, followed by contested motions.

Note: In presenting a motion as uncontested or unopposed, counsel certifies to the court that a copy of the motion, exhibits, and any proposed order was served on every other party or attorney of record, including notice of the time, date, and location for presentation, and at least ten days have passed or counsel has obtained the consent or affirmation that said motion is not opposed. Mere failure of the opposing party to appear at precisely 2:00 pm does not render a motion uncontested/unopposed. The court in its discretion will determine when enough time has elapsed to render the motion uncontested/unopposed.

[ (7) ] (5) Housing Court Judge

(a) The Housing Court Judge shall hear the following:

(i) [ all ] All motions involving Housing Court cases [ shall be heard by the Housing Court Judge. This includes all motions heard both before and after the appeal of an award from arbitration. ] (See Local Rule 76 Definitions for information relating to which cases shall be assigned to the Housing Court, or ruled upon the Housing Court Judge.);

(ii) All contested requests for the continuance of an arbitration hearing in a Housing Court matter; and

(iii) All Motions for Late Appeal of Disposition from a Magisterial District Judge in a Landlord Tenant Proceeding.

(b) Presentation:

(i) All Housing Court Motions must be filed electronically or in person with the Department of Court Records. No motion will be scheduled for argument unless requested as set forth in subsection (a) or (b) below.

(a) For electronically filed motions, the party must request that the motion be scheduled for oral argument by submitting the motion to the Housing Court Help Desk email at [HCHelpdesk@alleghenycourts.us](mailto:HCHelpdesk@alleghenycourts.us). This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

(b) If the motion is not electronically filed, the original and a copy of the (motion shall be taken to the Housing Court Clerk (Housing Court Clerk at the Housing Court Help Desk: First Floor City County Building). The clerk will place, on the original and the copy of the motion, a time and date for an argument before the Housing Court Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

[ Note: The Housing Court Clerk's scheduling of a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph (7)(c) of this Local Rule.

(c) Parties filing Housing Court motions may file their motions electronically and they may also request that the motion be scheduled for oral argument by submitting the motion to the Housing Court Help Desk email at [HCHelpdesk@alleghenycourts.us](mailto:HCHelpdesk@alleghenycourts.us). This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

to the continuance, the Housing Court Clerk has the authority to sign the Adjournment of Hearing continuing the case (FORM 208.3(a))(see subsection (6)(c) above). ]

Note: The moving party will not receive an oral argument date unless the moving party either takes the motion to the Housing Court Help Desk, or submits the motion to the Help Desk email: [HCHelpdesk@alleghenycourts.us](mailto:HCHelpdesk@alleghenycourts.us). For further information concerning Housing Court procedures, forms and protocols Parties should go to the Court's website at [https://www.alleghenycourts.us/civil/Housing\\_Court.aspx](https://www.alleghenycourts.us/civil/Housing_Court.aspx).

[ (d) requests for the ] (ii) The party seeking a contested continuance of an arbitration hearing [ will be presented ] shall present to the Housing Court Judge[ . The party seeking a continuance will present to the Housing Court Judge ] an Adjournment of Hearing Form (FORM 208.3(a))(see subsection [ (6)(c) ] (3)(a)(ii)(d) above), which may be obtained from the Housing Court Clerk at the Housing Court Help Desk: First Floor City County Building, or by going to the Court's website, and specifically the arbitration page where such forms are available to download.

Note: If all parties agree to the continuance, the Housing Court Clerk has the authority to sign the Adjournment of Hearing continuing the case (FORM 208.3(a))(see subsection (3)(a)(ii)(d) above).

[ (e) Motion for Late Appeal of Disposition from a Magisterial District Judge in a Landlord Tenant Proceeding.

(i) ] (iii) Motion for Late Appeal shall be filed with the Department of Court Records and a copy immediately

provided to the Housing Court Clerk (See Housing Court Help Desk: First Floor City County Building, for Forms relating to Motions for Late Appeal).

[ (ii) ] **(a)** The Housing Court Clerk will schedule the motion with the Housing Court Judge. **[ The filing party is still expected to provide the other party with ten (10) days notice of the scheduled argument date. ]** **The motion will generally be scheduled on a date which provides all other parties with ten (10) days' notice of the scheduled argument date.** However, if an eviction is scheduled, the Housing Court Clerk will make every effort to schedule argument on Motion for Late Appeal before the scheduled eviction, although the Court may not be able to schedule a hearing before the eviction date. The filing party is responsible for informing the Housing Court Clerk of the date of any scheduled eviction.

**(b) The filing party is required to serve the Motion for Late Appeal upon the opposing party, and if the filing party is the tenant, also required to serve the Motion for Late Appeal upon the Magisterial District Court issuing the Disposition.**

[ 5 Special ] **6 General** Motions Judge.

**(a) [ For any General Docket case that is not on a published trial list, ]** **The General Motions Judge shall hear the following for any General and Arbitration Docket case that has not yet appeared on a published trial list or been for trial:**

(i) **All** motions relating to the following: **[ matters shall be presented to the Motions Judge:**

(i) **discovery**

**(ii) ] (a)** pleadings **[ (preliminary objections pursuant to Rule 1028) ]** including amendments, joinder of parties, late joinder of additional defendants;

**[ (iii) preliminary objections filed by an additional defendant if an order had been entered permitting the late joinder;**

**(iv) ] (b)** withdrawal and disqualification of counsel;

**[ (v) ] (c)** discontinuances, consolidation, severance, **and** coordination of actions in different counties (Pa.R.C.P. 213.1); **[ placing/striking cases at issue; ]**

**[ (vi) entry and opening of judgments of non pros and default;**

**(vii) ] (d)** transfers between Arbitration and General Docket;

**[ (viii) ] (e)** certificates of merit (Pa.R.C.P. 1042.1 et seq.); **[ and the filing of an appeal to an arbitration award ]**

**[ In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the General Motions Judge (see subdivision (4) (a) of this Local Rule) or to the Discovery Motions Judge (see subdivision (5) (a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.**

**(6) Arbitration Cases.**

**(a)(i)** Except as provided in the following subdivisions (a)(ii), (a)(iii), and (a)(iv), all motions involv-

ing arbitration cases, including uncontested motions, shall be heard by the Special Motions Judge.

**(ii)** In forma pauperis petitions will be presented to the Motions Judge.

**(iii)** Contested requests for the continuance of an arbitration hearing will be presented to the Calendar Control Judge. The party seeking a continuance will present to the Calendar Control Judge an Adjournment of Hearing Form ("Green Sheet"), which is (FORM 208.3(a)) (see subsection (6)(c) below). The Chief Arbitration Clerk has the authority to sign Adjournment of Arbitration Hearing "Green Sheet" Requests for the continuance of an arbitration hearing that are agreed upon by all parties.

**(iv)** Motions filed after an arbitration award has been appealed shall be presented to the Special Motions Judge unless they affect the timing of the trial of the case, in which event they shall be presented to the Calendar Control Judge.

**(b)** The original and a copy of any motion shall be taken for filing to an Arbitration Clerk (Room 702 City County Building) or, if filed electronically, a copy of the filed motion shall be presented to the Arbitration Clerk for scheduling oral argument. The clerk will place on the original and the copy of the motion (or upon the copy if filed electronically) a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Department of Court Records (unless filed electronically) and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

*Note:* The Arbitration Office's scheduling a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph (6)(a)(iii) of this Local Rule. ]

**(f)** **requests for injunctive relief, including discovery on requests for injunctive relief; and**

**(g)** **discovery disputes relating to or arising out of a Rule to Show Cause issued by the General Motions Judge.**

**(ii)** All motions for any Arbitration Docket case **prior to listing for trial, except:**

**(a)** **discovery motions, which shall be presented to the Discovery Motions Judge;**

**(b)** **the compromise, settlement, and discontinuance of an action to which a minor is a party, which shall be presented to the Calendar Control Judge;**

**(c)** **the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party, which shall be presented to the Calendar Control Judge;**

**(d)** **contested requests for the continuance of an arbitration hearing, which shall be presented to the Calendar Control Judge.**

(iii) All petitions to strike and/or open a default judgment or a judgment of non pros (the procedure including presentation, for which is found at Local Rule 206.4(c), not below);

(iv) All motions not otherwise addressed in [ this ] Local Rules 208.3, 1028(c), 1034(a), or 1035.2(a).

(b) Presentation:

(i) The General Motions Judge typically hears motions daily at 9:30 a.m. and 1:30 p.m. in Courtroom 703. The General Motions Judge does not

schedule the date or time of presentation. The moving party/petitioner selects the date and time for presentation.

(ii) The original motion must be filed with the Department of Court Records. A copy of the motion shall be provided to the Chief Motions Clerk prior to presentation.

(iii) The Chief Motions Clerk will file any order issued by the Court.

(7) FORM 208.3(a) Arbitration Adjournment of Hearing Form and Cover Sheet

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

COVER SHEET

Plaintiff(s)

Case Number: \_\_\_\_\_

vs.

Type of pleading:

Defendant(s)

Adjournment of Arbitration Hearing

Filed on behalf of

(Name of filing party)

Counsel of Record

Individual, if Pro Se

Address, Telephone Number, and Email Address:

Attorney's State ID: \_\_\_\_\_

Attorney's Firm ID: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY PENNSYLVANIA

ARBITRATION SECTION

\_\_\_\_\_

No. \_\_\_\_\_, 20 \_\_\_\_

vs.

Presently listed \_\_\_\_\_

\_\_\_\_\_

No. of Times Continued \_\_\_\_\_

\_\_\_\_\_

Landlord/Tenant Action \_\_\_\_\_

A false certification of consent of all parties is subject to the provisions of 18 Pa.C.S.A. § 4904(a) pertaining to unsworn falsification to authorities and is sanctionable under 42 Pa.C.S.A. § 2503.

ADJOURNMENT OF HEARING

On \_\_\_\_\_, 20\_\_\_\_, on order of court, the date of hearing is adjourned to \_\_\_\_\_, 20\_\_\_\_.

Stipulation

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**BY THE COURT**

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**REASON FOR CONTINUANCE:**

*Note:* A Microsoft Word version of this form can be obtained and downloaded from the Civil Arbitration page of the Court's website at Civil | Arbitration (alleghencycourts.us).

**Local Rule 253. Taxation of Costs.**

(1) *Costs After Judgment.*

Costs shall be taxed by the [ **Prothonotary** ] **Department of Court Records**. Objections shall be presented to the **General** Motions Judge or, if the case was tried, to the Trial Judge.

(2) *Costs After Settlement.*

In Civil Division cases, absent an agreement to the contrary at the time of a settlement requiring the payment of monetary damages, the paying party or parties shall reimburse the recipient the record costs incurred by that party. Where there are multiple payors, the reimbursement of record costs shall be prorated.

**Local Rule 505. Change of Name of a Natural Person.**

(1) All proceedings for a change of name pursuant to 54 Pa.C.S. §§ 701—705 shall be brought in the Civil Division, except where an adoption proceeding is commenced in the Orphans' Court Division, in which case the Orphans' Court Division shall adjudicate any change of name ancillary to that proceeding. In cases where an adoption has been concluded in any other court and the only judicial relief sought in Allegheny County is a change of name, the Petition shall be filed in the Civil Division.

*Note:* See 23 Pa.C.S. § 2904. See also Supreme Court Orphans' Court Rule 15.5(e) where the adopted person has attained majority.

(2) All Petitions (FORM 505A) (see subsection (3)(a) below) shall be filed on the General Docket (GD).

(3) *Requirements for Filing a Petition.*

(a) The Petition shall contain two proposed Orders designated as follows:

(i) Either

(A) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age) (FORM 505B(i)) (see subsection (3)(b)(i) below), or

(B) Order Scheduling Hearing of Name Change (used if Petition is brought on behalf of a minor) (FORM 505B(ii)) (see subsection (3)(b)(ii) below); and

(ii) Decree for Change of Name (FORM 505C) (see subsection (3)(c) below).

(b) The following is required by the Department of Court Records:

(i) Petition and one (1) extra copy.

(A) If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may:

(1) Describe why, under paragraph 6, publication would present a risk; or

(2) Seek to waive publication and/or have the record sealed by presenting a Motion, Affidavit, and Proposed Order to the Special Name Change Judge prior to filing the Petition with the Department of Court Records.

(ii) A completed fingerprint card (if applicable—children 12 or under are not required to have fingerprints taken) (obtained from either a state or local police department). "Name Change" should be written in red across the top of the completed card.

(iii) A stamped 8-1/2" x 11" envelope addressed to:

PA State Police  
Central Repository  
1800 Elmerton Avenue  
Harrisburg, PA 17110

(iv) A stamped letter size envelope addressed to:

Department of Court Records of Allegheny County  
First Floor City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
ATTENTION: Second Deputy

(v) A stamped letter size envelope to the attorney for the filing party, or the pro se party.

(vi) The filing fee applicable to a Petition for a name change.

*Note:* A current listing of the fees charged by the Department of Court Records can be found on the Department of Court Records web site: <https://dcr.alleghenycounty.us> (no www and no .com).

(c) After Petitioner has been notified that the fingerprinting process has been completed, the petitioner shall take one of the following actions to obtain a hearing date:

(i) submit the petition by email to the [Civilgenmotions@alleghencycourts.us](mailto:civilgenmotions@alleghencycourts.us) email address with a request that the Court issue an Order scheduling the hearing date;

(ii) take the original or a copy of the Petition filed with the Department of Court Records, and the Department of Court Record's file to the Chief Motions Clerk, located in Courtroom 703, City-County Building; or

(iii) if the record has been sealed or publication waived, the Petitioner may take the file to the Special Name Change Judge's chambers instead of the Chief Motions Clerk.

(d) *Scheduling a hearing:*

(i) If the Petition is submitted by email to [Civilgenmotions@alleghencycourts.us](mailto:civilgenmotions@alleghencycourts.us), the General Motions Judge will issue a scheduling Order, and the Chief Motions Clerk shall file the scheduling Order with the



Department of Court Records and return the Scheduling Order by email to the Petitioner;

(ii) If the Petition is taken to the Chief Motions Clerk, the **General** Motions Judge shall schedule the time and date for a hearing; or

(iii) If the Petition is taken to the Special Name Change Judge's chambers, the Special Name Change Judge will set the time and date for a hearing.

(e) Upon receipt of the scheduling Order the Petitioner shall proceed with advertising the Petition in two (2) papers of general circulation; one of the publications shall be the Pittsburgh Legal Journal, the official paper for the publication of legal notices for Allegheny County.

(f) Where the Petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, the Petitioner shall provide the Court with an envelope affixed with sufficient postage and pre-addressed to the following so that copies of the Order Scheduling Hearing on Name Change may be sent:

(i) The District Attorney of Allegheny County  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, PA 15219

(ii) To any other District Attorney of any county in which Petitioner was convicted of a felony.

(iii) Office of the Attorney General  
Commonwealth of Pennsylvania  
1600 Strawberry Square  
Harrisburg, PA 17120

(g) In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division using FORM 505D (see subsection (3)(d) below) for all further proceedings with respect to the minor's Petition.

(4) FORMS:

(a) FORM 505A Petition for a Name Change

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

In Re the Petition of:

DOCKET No. GD \_\_\_\_\_

\_\_\_\_\_ (Print Your Current Name)

For a Name Change to:

\_\_\_\_\_ (Print Your New Name)

**VERIFIED PETITION FOR A NAME CHANGE**

And now comes Petitioner(s), \_\_\_\_\_ by this Petition, and upon being duly sworn, respectfully represents and shows this Court:

1. That the Petitioner(s) is of full legal age and is a bona fide resident of the County of Allegheny, Commonwealth of Pennsylvania, whose residence address is \_\_\_\_\_

Petitioner(s) has been a bona fide resident of Allegheny County, Commonwealth of Pennsylvania for \_\_\_\_\_ year(s) immediately prior to filing this Petition. Petitioner(s) was born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_, and Country of \_\_\_\_\_.

2. Petitioner's(s)' present name is \_\_\_\_\_.

3. Petitioner(s)  is not married or  is married to \_\_\_\_\_.

4. Petitioner(s) is the  Father and/or  Mother of the following minor children:

None

Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Petitioner(s) has resided at the following address(es) over the last five (5) years:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Petitioner(s) requests the change of name for the following reasons (describe in detail):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. The proposed change in the Petitioner(s) name, if granted, will not be detrimental to the interests of any other person and is not against the public interest.

8. This Petition is not filed to defraud creditors.

Wherefore, the Petitioner(s), intending to change his/her name, requests that by an Order of this Court, made and entered herein, the Petitioner's(s') name be changed to and decreed to be:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
(Sign Your Current Name)

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

**[ New Page ] VERIFICATION**

I, ( \_\_\_\_\_ ), verify that the statements made  
(Print Your Current Name)  
in the foregoing Petition are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: \_\_\_\_\_  
(Sign Your Current Name)

(b)(i) FORM 505B(i) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age)

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

In Re: Petition of \_\_\_\_\_ CIVIL DIVISION

\_\_\_\_\_  
GD No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Petitioner(s).

**ORDER SCHEDULING HEARING ON NAME CHANGE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon hearing of the within motion of \_\_\_\_\_ Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at before the **General** Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years. It is further Ordered, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

THE COURTS

BY THE COURT,

\_\_\_\_\_, J.

(b)(ii) FORM 505B(ii) Order Scheduling Hearing on Name Change (used if Petition is brought on behalf of a Minor(s))

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

In Re: Petition of

CIVIL DIVISION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GD No. \_\_\_\_\_

Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon hearing of the within motion of \_\_\_\_\_, Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ before the **General** Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years.

IT IS FURTHER ORDERED, that Petitioner(s) shall obtain an affidavit of consent from the non-petitioning parent and/or serve a copy of this scheduling order by certified and regular mail forthwith.

IT IS FURTHER ORDERED, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,

\_\_\_\_\_, J.

(c) FORM 505C Decree for Change of Name

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

In Re: Petition of

CIVIL DIVISION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GD No. \_\_\_\_\_

Petitioner(s).

DECREE FOR CHANGE OF NAME

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon hearing on the within Petition and upon motion of \_\_\_\_\_, Esquire/pro se, attorney for Petitioner(s), with proof of publication and proof that there are no judgments or decrees of record or any other matter of like effect against Petitioner(s), and it appearing that there are no legal objections to the granting of the prayer of the Petition, it is ORDERED and DECREED that the name(s) of the Petitioner(s) be and are, from and after this date changed to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY THE COURT,

\_\_\_\_\_, J.

(d) FORM 505D Case Transfer Order

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

In Re: Petition for Change of Name of:

GD No.

FD No.

(a) minor(s)

Petitioner(s):

CASE TRANSFER ORDER

AND NOW, the \_\_\_ day of \_\_\_, 20 \_\_\_, the Court makes the following findings:

1. The subject of the Petition for a Change of Name is

who (is a) (are) minors.

2. The non-petitioning parent has filed an objection to the proposed Petition for Change of Name or has appeared before the Court and opposes the Petition.

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. Pursuant to Local Rule 505(3)(f) this matter is hereby transferred to the Family Division for all further proceedings with respect to the Petition for Change of Name.

2. The Department of Court Records shall conduct a search of its records to determine if the family involved in this contested name change has an existing Family Division docket number. If there is an existing Family Division docket number, this Petition shall be matched to the existing file and transferred to the Family Division. If there is no existing Family Division docket number, the Department of Court Records shall assign a Family Division docket number and open a case file. In either event, the above-referenced [ General Division ] docket number shall be cross-referenced with the Family Division docket number.

3. The party who filed the Petition for Change in Name shall be responsible for serving the Family Division scheduling order on the opposing party in a manner consistent with the Rules of Civil Procedure.

4. The party who filed the Petition for Change of Name shall provide the following information:

A. Name(s), Address(es) and Date(s) of Birth of the minor(s) involved:

Table with 3 columns: Name, Address, Date of Birth. Multiple rows for listing minors.

B. Name of the father of the minor child(ren)

Address and telephone number of the father

Date of Birth of the father

C. Name of the mother of the minor child(ren)

Address and telephone number of the mother

Date of Birth of the mother



- D. List any prior Family Court involvement and case numbers: (Examples of these cases include: Protection from Abuse, Child Support, Child Custody, and Divorce. \_\_\_\_\_)

BY THE COURT,

\_\_\_\_\_, J.

*Editor's Note:* Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.

**Local Rule 1001. Civil Actions Raising Claims for Relief Heretofore Asserted in an Action in Equity.**

(1) A civil action that raises only claims for relief heretofore asserted in equity shall be assigned to an individual judge when the case has been placed at issue pursuant to Local Rule 214.

*Note:* A request for assignment to an individual judge may be made to Calendar Control using FORM 1001 (see subsection (3) below).

(2) A civil action that raises claims for relief heretofore asserted in an action in equity and claims for relief heretofore asserted in the action of assumpsit and/or the action in trespass will not be assigned to an individual judge prior to trial without a court order entered pursuant to a motion or by the court sua sponte.

*Note:* A motion for the assignment of a case to an individual judge shall be presented to **[ the Special Motions Judge if the case is not on a published trial list and to ]** the Calendar Control Judge **[ if ]** or the Administrative Judge regardless of whether the case is on a published trial list.

- (3) FORM 1001 Request for Assignment of Equity Claims to an Individual Judge

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

(CAPTION)

(CASE NUMBER)

TO: Calendar Control Clerk  
734 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

**REQUEST FOR ASSIGNMENT OF EQUITY CLAIMS TO AN INDIVIDUAL JUDGE**

This is a nonjury case that raises only claims for relief heretofore asserted in equity. A copy of this request has already been furnished to all other parties.

DATED: \_\_\_\_\_

**Local Rule 1028(c). Procedures for the Disposition of Preliminary Objections.**

- (1) *General Docket and Arbitration Docket Cases.*

(a)(i) **[ If not filed electronically, preliminary objections shall be filed with the Chief Motions Clerk. If filed electronically, a copy of the preliminary objections shall be taken to the Chief Motions Clerk. ] Preliminary objections shall be filed with the Department of Court Records.**

**[ Note: The Chief Motions Clerk (telephone number 412-350-5644) will be in the Courtroom 703, City-County Building. ]**

(ii) **[ The Chief Motions Clerk shall schedule the time and date for an argument. ] A request to schedule the date and time for argument shall be transmitted by email to the following email address: [civilpos@alleghenycourts.us](mailto:civilpos@alleghenycourts.us), accompanied by a PDF copy of the preliminary objections and brief and a proposed order in Microsoft Word format.**

*Note:* If preliminary objections are filed to preliminary objections, these preliminary objections will be scheduled

for argument at the same time as the argument for the preliminary objections which are the subject of the preliminary objections.

In cases of multiple defendants, if any other defendants have not filed responsive pleadings at the time another defendant files preliminary objections, **[ the Chief Motions Clerk will not schedule an ]** argument on these preliminary objections **will not be scheduled** sooner than sixty (60) days after filing.

**In an arbitration case, the filing of preliminary objections or the scheduling of the preliminary objections for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(d).**

**[ (iii) Unless filed electronically, the Chief Motions Clerk will file the preliminary objections with the Department of Court Records.**

(iv) **[ (iii) The party filing the preliminary objections shall, promptly after filing, serve copies of these preliminary objections on all other parties and shall promptly serve all other parties with notice of the date and time**

of the argument, **[ if such has been set ] after the date and time for argument has been set.**

(b)(i) Except for preliminary objections raising issues of fact, which are governed by subdivision (c), **and Arbitration Docket cases**, a brief and proposed order of court **[ , each separately tabbed under the same cover sheet, ] shall be filed with** all preliminary objections. **[ No preliminary objections will be accepted by the Chief Motions Clerk until a brief is attached. ]** Failure to **[ attach ] file** a brief **with preliminary objections** shall be cause for denial of the preliminary objections.

**Note: In an Arbitration Docket case, there are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.**

(ii) Any party opposing preliminary objections shall file a brief in opposition to the preliminary objections at least seven (7) days prior to the argument.

(iii) A brief shall not exceed ten (10) double-spaced pages except in cases designated complex or where permitted by order of court entered pursuant to a motion presented to the **General** Motions Judge.

(c)(i) Where preliminary objections contain grounds raising issues of fact under Pa.R.C.P. 1028(a)(1), (5), or (6), they: shall be titled on the cover sheet "Preliminary Objections Raising Questions of Fact"; shall be endorsed with a notice to plead; shall not have a brief attached; and will be scheduled for argument not sooner than ninety (90) days after filing.

(ii) All evidence that the parties wish the court to consider shall be filed with the Department of Court Records at least twenty (20) days prior to the argument.

(iii) The party which filed the preliminary objections shall file its brief at least fourteen (14) days prior to the argument; the parties opposing the preliminary objections shall file their briefs at least seven (7) days prior to argument.

(d)(i) If the preliminary objections include the ground of improper venue, they: shall be titled on the cover sheet "Preliminary Objections Raising Questions of Venue"; shall be endorsed with a notice to plead; shall be accompanied by a brief and proposed order of court, as provided for in paragraph (1)(b) of this Local Rule; and shall include all preliminary objections as required under Pa.R.C.P. 1028(b).

(e) If the moving party fails to schedule argument on preliminary objections, any other party is permitted to schedule argument **[ by presenting a copy of the preliminary objections to the Chief Motions Clerk as provided elsewhere in these Rules ] in the manner set forth in subsection (1)(a)(ii), above.**

**[ (3) ] (2) Housing Court Proceedings.**

(a) If not filed electronically, the original and a copy of the preliminary objections shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the preliminary objections, a time and date for an argument before the Housing Court Judge. The Housing Court Clerk will file the original with

the Department of Court Records and return the copy to the party filing the preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument. If filed electronically, the filing party shall take a copy of the preliminary objections to the Housing Court Clerk, and the Housing Court Clerk will place on the copy of the preliminary objections a time and date for an argument before the Housing Court Judge. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument.

(i) The moving party, after contacting all other parties, shall notify the Housing Court Clerk prior to the argument (412-350-4462) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.

(ii) The moving party, after a discussion with other parties, shall notify the Housing Court Clerk if the preliminary objections are moot because of the filing of an amended pleading.

**Local Rule 1034(a). Procedures for the Disposition of a Motion for Judgment on the Pleadings.**

(1) *General Docket and Arbitration Docket Cases.*

(a)(i) A motion for judgment on the pleadings shall be filed with the Department of Court Records. **[ The original and a copy of the motion for a judgment on the pleadings (or a copy if filed electronically) shall be taken to the Calendar Control Office (Room 734 of the City—County Building). A member of the staff shall place on the original and a copy of the motion (or upon the copy if filed electronically) the date of the argument list on which the motion will be argued. ] A request to schedule the date and time for argument shall be transmitted by email to the following email address: [civilmsjops@alleghenycourts.us](mailto:civilmsjops@alleghenycourts.us), accompanied by a PDF copy of the motion and brief and a proposed order. The motion will be placed on an argument list, the date and time of which shall be published in the Pittsburgh Legal Journal.**

*Note:* Motions for judgment on the pleadings filed before **[ 2:00 P.M. ] 4:00 P.M.** on the **[ fortieth (40th) ] forty second (42nd)** day before the next argument list will be placed on that list. Motions filed less than **[ forty (40) ] forty-two (42)** days before the date of the next argument list will be placed on the following argument list. No motion for judgment on the pleadings shall be placed on an argument list or otherwise scheduled for argument if the case has appeared on a published trial list prior to the filing of the motion without an order of court entered by the Calendar Control Judge.

(ii) **[ After the motion has been filed with the Department of Court Records, the moving party shall promptly serve copies of the motion for judgment on the pleadings on all other parties with notice of the date of the argument list on which the motion will be argued and file a certificate of service. ] The party filing the motion shall, promptly after filing, serve copies of the motion on all other parties and file a certificate of service. Furthermore, upon notification of the date of the argument list on which the motion will be argued,**

**the moving party shall promptly serve all other parties with notice of the date and time of the argument and file a certificate of service.**

*Note:* Argument lists are placed under “Civil Division” on the Website of the Common Pleas Court (www.allegheycourts.us) at least thirty (30) days before the date scheduled for argument. The list will identify the judge who will hear the argument.

**In an arbitration case, the filing of a motion for judgment on the pleadings or the scheduling of the motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(d).**

(iii) If the motion has been resolved, the moving party shall promptly notify the court. Prior to the publication of the argument list, notice shall be given to the Calendar Control Clerk (412-350-5417). After publication of the argument list, notice shall be given to the secretary of the judge to whom the argument has been assigned.

(iv) **[ The ] In a General Docket case, the** brief of the moving party and proposed order of court shall **[ be attached to the motion under the same cover and separately tabbed ] be filed with the motion.** Any party opposing the motion must file a brief at least seven (7) days prior to the argument and furnish a copy of the brief to the judge to whom the argument is assigned. **In an Arbitration Docket case, there are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.**

(b) This rule does not govern motions for judgment on the pleadings filed in asbestos litigation and cases otherwise designated by the court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

**[ (2) Arbitration Proceedings.**

(a) **The original and a copy of the motion for judgment on the pleadings (or a copy if filed electronically) shall be taken for filing to an Arbitration Clerk, Room 702 Seventh Floor, City-County Building for scheduling of argument. The clerk will place on the original and the copy of the motion (or upon the copy if filed electronically) a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original (or the copy if filed electronically) with the Department of Court Records and return a copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.**

*Note:* The Arbitration Section’s scheduling a motion for judgment on the pleadings for an argument on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.

(c) The moving party, after contacting the other parties, shall notify an Arbitration Clerk (412-350-5625) if the motion is withdrawn. Otherwise, if the

**moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.**

**(3) ] (2) Housing Court Proceedings.**

(a) The original and a copy of the motion for judgment on the pleadings (or a copy if filed electronically) shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the motion (or a copy if filed electronically), a time and date for an argument before the Housing Court Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.

*Note:* The Housing Court Clerk scheduling of oral argument on a motion for judgment on the pleadings on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation, statute, regulation and case law.

(c) The moving party, after contacting the other parties, shall notify the Housing Court Clerk if the motion is withdrawn. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

**Local Rule 1035.2(a). Procedures for the Disposition of a Motion for Summary Judgment.**

(1) *General Docket and Arbitration Docket Cases.*

The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(1), and in addition a response in opposition to the motion shall be filed as provided for in Pa.R.C.P. 1035.3.

**[ (2) Arbitration Proceedings.**

**The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(2). ]**

**(2) Housing Court Cases.**

**The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(2).**

**Local Rule 1301. Scope.**

(1) The following civil actions shall first be submitted to and heard by a Board of Arbitrators:

(a) Civil actions, proceedings and appeals or issues therein where the demand is for **[ \$35,000 ] \$50,000** or less (exclusive of interest and costs);

(b) Replevin without bond and replevin with bond once bond has been set by the Court;

(c) Appeals from final judgments of Magisterial District Judges; and



(d) Matters transferred to Compulsory Arbitration by the Court even though the original demand may have exceeded [ **\$35,000** ] **\$50,000**.

(2) The following civil actions are not subject to Compulsory Arbitration as set forth, above:

(a) Actions seeking only an accounting;

*Note:* In an action seeking both money damages and an accounting, a Board of Arbitrators may award money damages but may not order an accounting.

(b) Actions seeking only equitable relief; and

*Note:* In an action seeking both money damages and equitable relief, a Board of Arbitrators may award money damages but may not order equitable relief.

(c) Actions in which the Commonwealth is a party defendant or an employee of the Commonwealth is a party defendant under the provisions of 42 Pa.C.S., Chapter 85B (relating to actions against Commonwealth parties).

(3) A Board of Arbitrators may not enter an award in favor of any party in excess of [ **\$35,000** ] **\$50,000** (exclusive of interest and costs).

*Note:* While a Board of Arbitrators may hear a lawsuit in which any party claims an amount in excess of [ **\$35,000** ] **\$50,000**, the award of the Board of Arbitrators to any party may not exceed [ **\$35,000** ] **\$50,000** (exclusive of interest and costs). However, with the agreement of all parties, a Board of Arbitrators may award up to the amount agreed upon in excess of [ **\$35,000** ] **\$50,000** if all parties also agree that the arbitration award is final and cannot be appealed to Court.

(4) If a party files a counterclaim or a cross-claim seeking an award in excess of [ **\$35,000** ] **\$50,000** (exclusive of interest and costs), any party may file a petition to transfer the entire case to the General Docket. At the discretion of a judge, such a counterclaim or cross-claim may be severed and transferred to the General Docket.

#### **Local Rule 1302. List of Arbitrators. Appointments to Board. Oath.**

(1) Subject to approval by the [ **Special Motions Judge or the** ] **Calendar Control Judge** of the Civil Division of the Court, lawyers who are actively engaged in the practice of law in Allegheny County shall be appointed to serve as arbitrators.

(2) Only lawyers who are "active" on the rolls of The Disciplinary Board of the Supreme Court of Pennsylvania are to be treated as lawyers "actively engaged in the practice of law" for purposes of subsection (1).

(3) An Arbitration Clerk shall appoint to each Board of Arbitrators three (3) lawyers summoned from the list of approved lawyers, according to the directions of the [ **Special Motions Judge** ] **Calendar Control Judge** of the Civil Division.

#### **Local Rule 1308. Appeal. Arbitrators' Compensation. Notice.**

(1) In addition to satisfying the requirements of Pa.R.C.P. 1308(a), a party appealing an award shall also pay to the [ **Prothonotary** ] **Department of Court Records** any fee required for filing the appeal.

(2) A member of a Board of Arbitration who has signed an award or filed a minority report in each of the cases heard before that Board shall receive compensation of

\$150 per diem after the filing of that member's reports/awards. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the [ **Special Motions Judge** ] **Calendar Control Judge** of the Civil Division, on petition of the members of the Board and for cause shown, may allow additional compensation.

#### **Local Rule 1320. Small Claims Procedure.**

The following procedure shall govern Small Claims, which include appeals from Magisterial District Judges where the damages claimed do not exceed the sum of \$3,000 (exclusive of interest and costs), and civil actions where the damages claimed do not exceed the sum of \$3,000 (exclusive of interest and costs).

(1) The Complaint may be simplified to contain only the names and addresses of the parties, a statement indicating concisely the nature and amount of the claim, the signature of the plaintiff or the plaintiff's attorney (Pa.R.C.P. 1023), an endorsement (Pa.R.C.P. 1025), a Notice of Hearing Date and three copies of a Notice of Intention to Appear as set forth in subparagraph (3) hereof.

(2) Every Complaint filed in Compulsory Arbitration as a Small Claim, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend, and Notice of Duty to Appear at Arbitration Hearing (FORM 1320A) (see subsection (9)(a) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).

(3) The filed Notice of Intention to Appear shall be a sufficient answer to the Complaint (FORM 1320B) (see subsection (9)(b) below).

(4) A counterclaim which qualifies as a "Small Claim" as defined herein may be set forth in either the filed Notice of Intention to Appear or a separate pleading, by a statement indicating concisely the nature and amount of same. The counterclaim filed as a separate pleading shall be in substantially the same form as the Complaint, without the Notice of Hearing or Notice of Intention to Appear.

(5) No reply to a counterclaim shall be required. If one is filed, it may be limited to a general denial.

(6) The provisions of Local Rules 212.1, 212.2 and 212.3 shall not apply to actions involving only Small Claims as defined herein.

(7) Except as otherwise provided by order of the [ **Special Motions Judge** ] **Discovery Motions Judge** upon good cause shown, in Small Claims proceedings, there shall be no discovery by deposition upon oral examination or upon written interrogatories under Pa.R.C.P. 4005 and 4007 or requests for admissions under Pa.R.C.P. 4014.

(8) The [ **Prothonotary** ] **Department of Court Records**, on praecipe of the plaintiff accompanied by a certificate as required by Pa.R.C.P. 237.1(a)(2), shall enter judgment against the defendant for failure to file either a responsive pleading or a copy of the Notice of Intention to Appear within twenty (20) days from service thereof, with damages to be assessed in the manner provided by the rules.

(9)(a) *FORM 1320A Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing*



THE COURTS

IN THE COURT OF COMMON [ PLEASE ] PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ARBITRATION DOCKET

No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,

vs.

HEARING DATE: \_\_\_\_\_

\_\_\_\_\_  
Defendant.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, YOU MUST complete and detach two of the copies of the attached "Notice of Intention To Appear." One completed copy of the "Notice of Intention to Appear" must be filed or mailed to [ the Prothonotary's Office ] Department of Court Records, First Floor, City/County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to:

within TWENTY (20) days from the date these papers were mailed. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lost money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association  
[ 11th ] 4th Floor Koppers Building, 436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219  
Telephone: (412) 261-5555

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in [ Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania ] the Arbitration Assembly Room, Courtroom Two, Seventh Floor City-County Building, Pittsburgh, PA 15219, on \_\_\_\_\_, [ Insert date and year ] at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you **before the hearing.**

If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. **There is no right to a trial de novo on appeal from a decision entered by a judge.**

(b) FORM 1320B Notice of Intention to Appear

NOTICE OF INTENTION TO APPEAR

(Three copies required)

To the Plaintiff or the  
Plaintiff's Attorney

Case Caption \_\_\_\_\_

Hearing Date \_\_\_\_\_

I intend to appear at the hearing scheduled for the above date and defend against the claim made against me.

I do not owe this claim for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that I have mailed a copy of this Notice to the Plaintiff or the Plaintiff's attorney.

Date: \_\_\_\_\_ Sign here: \_\_\_\_\_

Address: \_\_\_\_\_

**Local Rule 3146. Judgment Against Garnishee Upon Default or Admission in Answer to Interrogatories.**

(1) The hearing to assess the amount of the judgment shall be scheduled before the **General** Motions Judge. Written notice to the garnishee in the form provided by Pa.R.C.P. 3146(a)(2) shall be served in accordance with Pa.R.C.P. 440 at least twenty days prior to the scheduled hearing. The Plaintiff shall serve the garnishee with a copy to the Defendant. Service shall be evidenced by a certificate of service.

(2) The agency to be named in the notice provided by Pa.R.C.P. 3146 shall be:

Lawyer Referral Service  
Allegheny County Bar Association  
[ 11th ] 4th Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

[Pa.B. Doc. No. 21-2055. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules of Civil Procedure; Administrative Doc. No. 10224-2021

##### Administrative Order

November 22, 2021

It is hereby Ordered that Beaver County LR301 (re: civil case management system) is modified, LR1143 (mortgage foreclosures) is adopted, LR1301, et seq. (arbitrations) is modified, LR1915, et seq. (custody and divorce) is modified, and LR8000.5 (tax assessments) is modified as follows.

Pursuant to Pa.R.J.A. 103(d), the Beaver County District Court Administrator is Directed to:

1. file one (1) copy of the Local Rules with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2. file two (2) paper copies and one (1) electronic copy of the Local Rules in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. publish the Local Rules on the Court of Common Pleas of Beaver County website at <http://www.beavercountypa.gov/Depts/Courts>.

4. incorporate the Local Rules into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*.

5. file one (1) copy of the Local Rules with the Beaver County Prothonotary and the Beaver County Law Library for public inspection and copying.

Said Local Rules of Civil Procedure shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Beaver County website.

*By the Court*

RICHARD MANCINI,  
*President Judge*

#### **LR301. Initial Case Management Conference.**

The Court shall hold civil case management conferences for all civil matters (excluding those set forth in subsection (3) below), one day per month as shall be designated

in the Court calendar. The Court Administrator shall set forth dates for case management conferences for the subsequent calendar year no later than October of the current year so that conferences can properly be scheduled.

For all new filings in civil matters:

(1) The Prothonotary shall assign the case to a judge on a rotating basis using the Infocon system.

(2) A case management conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on the third month following the month of the initial case filing, on a date set forth in the Court calendar.

a. Initial case filings shall include appeals from civil judgments of the Magisterial District Courts, appeals from compulsory arbitration and those cases initiated by Writs of Summons.

*Note:* Cases originally filed in compulsory arbitration shall not automatically be scheduled for a case management conference pursuant to subsection (3) below. However, appeals from compulsory arbitration will be treated as an initial case filing for purposes of civil case management and will be scheduled for a case management conference by the Prothonotary at the time of the filing of the appeal. Parties in this circumstance may wish to move the Court for a case management conference sooner (see LR212.2B) since fact discovery will presumably have been completed by this time.

(3) Civil cases included within this rule shall be those matters governed by the Pennsylvania Rules of Civil Procedure, with the exception of the following:

- a. Actions in mortgage foreclosure (**see LR1143**);
- b. Actions subject to compulsory arbitration;
- c. Actions pursuant to protection from abuse;
- d. Actions for support;
- e. Actions for custody, partial custody, and visitation of minor children;
- f. Actions of divorce or annulment of marriage; and
- g. Real estate assessment appeals (**see LR8000.5**).

**(4) Eminent domain cases shall be included within the civil case management system. However, a case management conference shall not be scheduled upon the filing of a declaration of taking because a declaration of taking does not commence an action (In Re Condemnation of Stormwater Man-**

**agement Easements v. Valley Forge Railways, Ltd., 829 A.2d 1235 (Pa. Cmwlth. 2003)). Rather, upon presentation of a petition for appointment of a Board of View, which does commence an action and which must be filed at a separate case number, to institute a separate case, the Court will schedule a case management conference to set a schedule for that separate action.**

[ 4 ] (5) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:

a. This case summary shall be substantially in accordance with Form 301A and shall set forth the general nature of the case, whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, amenability of the parties to alternative dispute resolution and a proposed date for a pre-trial conference;

b. If the case was initiated by a Writ of Summons or is an appeal from a civil judgment of the Magisterial District Courts to which a complaint has not yet been filed, the party shall notify the Court whether the party intends to file a complaint within 90 days from the date of the conference.

*Note:* While there is no formal local rule pertaining to mechanisms for alternative dispute resolution (ADR), in the Court's experience, parties often agree to case mediation, binding or non-binding private arbitration, high/low agreements or binding 6-member jury trials, all of which have been successful in resolving cases. The Court encourages parties to engage in these or other forms of ADR in an attempt to reduce costs and expedite litigation.

[ 5 ] (6) At the time of the case management conference, the Court shall, after consultation with the parties, issue a case management order setting forth a timeline for discovery, the filing of dispositive motions, the exchange of expert reports, the scheduling of alternative dispute resolution (if applicable) and shall place the case on a list for a pre-trial conference.

a. In matters it deems complex or otherwise in its sole discretion, the Court may defer setting a deadline on any of the items set forth in subsection (6) and may schedule one or more review conferences at which time the Court can address or re-address the case management order.

b. If the case was not initiated as one subject to compulsory arbitration but the Court determines at the time of the conference that it should have been filed as

such, the Court may order the case to proceed through arbitration and schedule the arbitration hearing at that time.

c. If the case is one initiated by a Writ of Summons to which a complaint has not yet been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

d. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has been filed, the Court may schedule the case for arbitration, or it may, in its discretion, schedule a review conference at a later time.

e. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has not been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

[ 6 ] (7) Failure of one or both parties to appear at the time of the case management conference or a party's failure to prepare the case summary as required in subsection (5) may result in sanctions, at the discretion of the Court including, but not limited to:

a. The scheduling of a subsequent conference where one party fails to appear and an award of counsel fees to the party appearing, See 42 Pa.C.S.A. § 2503(7) (relating to dilatory, obdurate or vexatious conduct);

b. The adoption of the proposed schedule provided by the party appearing where one party fails to appear, or by the party in compliance with these rules where one party fails to provide the Court with a case summary;

c. Any other sanction the Court deems appropriate.

[ 7 ] (8) Nothing in this section shall be construed as to prevent either party from presenting a motion requesting a case management conference or from the Court *sua sponte* doing so, pursuant to LR212.2B, such that the Court may enter a new or amended case management order at that time.

*Note:* Parties are encouraged to engage in pre-trial discovery at the earliest possible opportunity in accordance with the Pennsylvania Rules of Civil Procedure. Nothing contained in this rule should be construed as to prevent the parties from engaging in discovery prior to the case management conference.

#### FORM 301A

([ CAPTION ] COVER SHEET WITH CAPTION)

#### LR301 CIVIL CASE SUMMARY

#### NATURE OF THE CASE

1. Please set forth the general nature of the case:

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**PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGMENT ON THE PLEADINGS**

2. Are there any pending or anticipated preliminary objections or motions for judgement on the pleadings in this case?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide more detail:

---

**SUGGESTED DATES**

3. Set forth suggested dates for the following:  
 Date by which fact discovery should be completed:  
 Date by which expert reports should be exchanged:  
 Dates by which dispositive motions and responses thereto should be filed:  
 Dates proposed for pre-trial conference:

**WRIT OF SUMMONS/MDJ APPEAL**

4. Is this a case which has either been initiated by a Writ of Summons or is an appeal of a civil judgment from the Magisterial District Courts and a complaint has not yet been filed? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If so, does the Plaintiff anticipate filing a complaint within 90 days of the case management conference?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

**ADR**

5. Are you interested in attempting to resolve this case by a method of alternative dispute resolution? Yes \_\_\_\_\_  
 No \_\_\_\_\_  
 a. If yes, select one or more of the following:  
 Mediation  Arbitration  Binding 6-Member Jury Panel

**MORTGAGE FORECLOSURE**

**LR1143. Initial Case Management Conference.**

The Court shall hold case management conferences for all mortgage foreclosure actions, one day per month as shall be designated in the Court calendar. The Court Administrator shall set forth dates for case management conferences for the subsequent calendar year no later than October of the current year so that conferences can properly be scheduled.

For all new filings in mortgage foreclosures:

(1) The Prothonotary shall assign the case to a judge using the Infocon system.

(2) A case management conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on the first month following the month of the initial case filing, on a date set forth in the Court calendar.

(3) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:

a. This case summary shall be substantially in accordance with Form 1143(a) and shall set forth whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of discovery, suggested dates by which to file dispositive motions, amenability of the parties to participate in Housing Opportunities of Beaver County mortgage conciliation program.

(4) At the time of the case management conference, the Court shall, after consultation with the parties, issue a case management order setting forth a timeline for discovery, the filing of dispositive motions and shall place the case on a list for pre-trial conference.

(5) Failure of one or both parties to appear at the time of the case management conference or a party's failure to prepare the case summary as required in subsection (3) may result in sanctions, at the discretion of the Court including, but not limited to:

a. The scheduling of a subsequent conference where one party fails to appear and an award of counsel fees to the party appearing. See 42 Pa.C.S.A. § 2503(7) (relating to dilatory, obdurate or vexatious conduct);

b. The adoption of the proposed schedule provided by the party appearing where one party fails to appear, or by the party in compliance with these rules where one party fails to provide the Court with a case summary;

c. Any other sanction the Court deems appropriate.

(6) Nothing in this section shall be construed to prevent either party from presenting a motion, requesting a case management conference, or to prevent the Court from sua sponte doing so pursuant to LR212.2B, such that the Court may enter a new amended case management order at that time.

Note: Parties are encouraged to engage in pre-trial discovery at the earliest possible opportunity



in accordance with the Pennsylvania Rules of Civil Procedure. Nothing contained in this rule should be construed as to prevent the parties from engaging in discovery prior to the case management conference.

Should a case be removed from the Residential Mortgage Foreclosure Conciliation Program, a case management conference shall be scheduled by the Court under the conditions of paragraphs (3)—(6) above.

**FORM 1143(a)**

**(COVER SHEET WITH CAPTION)**

**LR1143 MORTGAGE FORECLOSURE CASE SUMMARY**

**PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGEMENT ON THE PLEADINGS**

**1. Are there any pending or anticipated preliminary objections or motions for judgement on the pleadings in this case?**

**Yes \_\_\_\_\_ No \_\_\_\_\_**

**If yes, please provide more detail:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SUGGESTED DATES**

**2. Set forth suggested dates for the following:**

**Date by which fact discovery should be completed: \_\_\_\_\_**

**Dates by which dispositive motions and responses thereto should be filed:**

**Dispositive motions \_\_\_\_\_**

**Responses thereto \_\_\_\_\_**

**Date proposed for pre-trial conference: \_\_\_\_\_**

**3. Are you interested in applying to the Housing Opportunities of Beaver County mortgage conciliation program?**

**Yes \_\_\_\_\_ No \_\_\_\_\_**

**Has the Defendant made application for the program?**

**Yes \_\_\_\_\_ No \_\_\_\_\_**

**COMPULSORY ARBITRATION**

**LR1301A. [ Untitled ].**

These Rules apply to the following civil matters or issues which shall be submitted to compulsory arbitration under Section 7361 of the Judicial Code **and were filed with the Prothonotary after January 1, 2022:**

1. All civil actions, as defined in Pa.R.C.P. No. 1001(a) and (b)(1), as amended, for money damages where the amount in controversy on any claim is [ **\$25,000.00** ] **\$35,000** or less, exclusive of interest and costs. The amount in controversy shall be determined from the pleadings, by agreement of the parties or by the court.

2. Where no appearance has been entered or a default judgment has been entered in a civil action and the plaintiff desires to have the damages assessed in an amount not to exceed [ **\$25,000.00** ] **\$35,000**.

3. By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions or waivers of defenses or proofs as are agreed upon.

4. Cases in which the amount in controversy exceeds [ **\$25,000.00** ] **\$35,000** but does not exceed \$50,000.00 may be submitted to arbitration under these rules where all parties have consented thereto in writing and such written consent is filed.

**5. For all actions filed prior to January 1, 2022, the arbitration limit shall remain \$25,000.00 pursuant to the former LR1301A, unless all parties have consented otherwise, in writing, and such written consent is filed.**

**Note: Notwithstanding the increase in the arbitration limit to \$35,000.00, on appeal, parties who make an election pursuant to Pa.R.C.P. No. 1311.1 will be limited to \$25,000.00.**

**LR1301B. Exceptions.**

These rules shall not apply to the following matters:

1. Action in Ejectment;
2. Action to Quiet Title;
3. Action in Replevin, unless authorized by the court;
4. Action in Mandamus;
5. Action in Quo Warranto;
6. Action of Mortgage Foreclosure;
7. Actions upon Ground Rent;
8. Foreign Attachment;
9. Fraudulent Debtors Attachment; and
10. Where claims for relief were heretofore asserted in an action in equity.

**LR1301C. Compensation of Board.**

Each member of the Board of Arbitration who has signed an award, whether as a majority or as a dissenter, shall receive as compensation a daily fee in an amount as set by the Court from time to time by special order. Where hearings exceed one day, the arbitrators may petition the court for additional compensation which may be granted for cause shown. Any such request should be made prior to submitting the award to the Court Administrator as required by Local Rule 1306.

**LR1301D. Procedure for Payment.**

Upon the filing of the arbitrator's award, the Prothonotary shall certify such filing to the County Commissioners and to the County Controller, together with the names of the members of the Board and an Order for payment. The County Commissioners and Controller shall thereupon pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs in the case.

**LR1301E. Discovery.**

Discovery in Compulsory Arbitration cases subject to these rules shall be governed by LR4011 and shall be completed on the last business day of the fourth month after the month of the initial filing, unless leave of court for an extension of time is secured for cause shown.

**LR1302A. Eligibility to Serve as Arbitrators.**

Only persons actively engaged in the practice of law in Beaver County shall be eligible to serve as Arbitrators. For purposes of this rule, "persons actively engaged in the practice of law" is defined as: persons who are authorized by the Pennsylvania Supreme Court to practice law and who regularly maintain their principal office in Beaver County for the practice of law, excluding all attorneys employed full time by Beaver County unless their Department Head consents in writing to their eligibility. **Any person who desires to serve as an Arbitrator must attend an arbitration seminar approved by the Court Administrator.**

**LR1302B. Qualifications as Chairman.**

Only persons admitted to the practice of law for at least fifteen (15) years and who have extensive civil trial experience are eligible to serve as Chairmen of the Boards of Arbitrators.

**LR1302C. List of Arbitrators.**

The Court Administrator of Beaver County shall, with the approval of the President Judge, on or before October 1 of each year, compile a list of persons eligible to serve as Arbitrators including persons eligible to serve as Chairmen of Boards of Arbitrators. Persons who have been determined to be eligible shall file a written consent to serve as an Arbitrator or Chairman with the Court Administrator. Arbitrators and Chairmen shall be selected alphabetically as nearly as possible by the Court Administrator in accordance with LR1302D from the persons who have filed a consent to serve.

**LR1302D. Selection of Board.**

Boards of Arbitrators shall be selected by the Court Administrator to serve on each arbitration day designated by the Court. Two Arbitrators and a Chairman shall be selected from the list of eligible persons who have consented to serve and appointed to each Board. At least one of the two other arbitrators shall have significant civil trial experience. The Court Administrator shall give each Arbitrator at least ninety (90) days written notice of the date the Arbitrator is to serve.

**LR1302E. Scheduling of Cases.**

(a) All cases subject to Compulsory Arbitration, shall be scheduled for hearing on the arbitration date for the sixth month after the month of the initial case filing.

(b) Upon the initial filing of a case subject to Compulsory Arbitration, the Prothonotary shall issue an Arbitration Order setting forth the deadline for discovery and the Arbitration hearing date. The filing party shall serve a copy of the Arbitration Order with the initial filing and shall deliver a copy of the Arbitration Order to the Court Administrator.

(c) All requests for a continuance with good cause shown must be submitted to and approved by the Court to a date to be selected by the Court Administrator. **[ Copies of all hearing notices shall be filed with proof of mailing. ] Continuances requested within 10 calendar days of the scheduled arbitration will not be granted barring unforeseen circumstances arising and/or good cause shown. Copies of all orders associated with the motion to continue must be served on all parties by the presenting party.**

(d) The Court Administrator shall schedule a sufficient number of cases for hearing on each arbitration day and give written notice of the hearing date to counsel for all parties and to pro se litigants at least forty-five (45) days prior to the scheduled hearing date.

(e) When scheduling cases for hearing, the Court Administrator shall avoid the creation of conflicts of interest with Arbitrators. The notice of hearing shall identify the members of the Board of Arbitration. Any objection to an Arbitrator shall be made to the Court within twenty (20) days of mailing the notice and, if sustained, will be grounds to continue the hearing.

(f) If the case is initiated by Writ of Summons and no Complaint has been filed as of the time of the scheduled arbitration hearing, the Arbitration panel shall refer the case to the Civil Administrative judge for ruling.

(g) All appeals from Arbitration shall be considered an initial case filing pursuant to LR301 and scheduled for a case management conference by the Prothonotary.

**LR 1302F. Vacancies and Substitute Arbitrators.**

**An Arbitrator who has a conflict or is unable to attend a scheduled hearing date must immediately notify the Court Administrator. The Court Administrator shall appoint a substitute Arbitrator of similar experience (i.e., a Chairman position will only be filled by another eligible Chairman). Absent good cause, if an Arbitrator is unable to serve, then the Arbitrator must provide notice to the Court Administrator twenty (20) calendar days prior to the scheduled hearing date.**

Should a vacancy on the Board of Arbitration occur for any reason prior to hearing, or should a member of the Board be unable to serve or fail to attend on the arbitration day, the Court Administrator shall be notified and shall appoint a substitute. The appointment of the substitute Arbitrator shall be communicated to all parties or their counsel prior to the commencement of the hearing. If a party has an objection to the substitute, it shall be made forthwith or be waived.

Should an Arbitrator fail to appear on the scheduled arbitration day, without good cause, or without having notified the Court Administrator at least **[ ten (10) ] twenty (20) calendar** days prior thereto, then that Arbitrator shall be removed from the list of eligible

Arbitrators. [ In the event a substitute Arbitrator cannot be appointed, sanctions may be imposed against the delinquent Arbitrator. ] Sanctions may be imposed against the delinquent Arbitrator. A delinquent Arbitrator may petition the Court for reinstatement onto the list of eligible Arbitrators for good cause shown.

[ LR1303. ] LR1303A. Arbitration Hearings—Notice.

(a) Arbitration hearings shall be conducted at the Beaver County Courthouse pursuant to assignment by the Court Administrator. Prior to the commencement of the hearing, the Prothonotary shall administer the oath of office in the form mandated by Pa.R.C.P. 1312, to each arbitrator and deliver the file to the Chairman.

(b) Counsel will only be permitted to participate in the arbitration hearing if they have filed an Entry of Appearance with the Prothonotary's Office.

Note: Coverage counsel/local counsel is encouraged to enter their appearance as "co-counsel" so that out-of-county counsel will continue to receive notices from the Court.

(c) If a party believes a case will require over an hour for presentation, then at least thirty (30) calendar days prior to the arbitration hearing that party should present a motion to the Civil Motion's Judge requesting more time for arbitration. In its discretion, the Court may schedule any cases which require more time for a non-jury trial. The Board of Arbitrators shall have discretion to allow expansion of or to limit the time for the presentation of a case.

(d) Every Complaint filed initially in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Duty to Appear at Arbitration Hearing (FORM 1303) following the Notice to Defend which is required by Pa.R.C.P. 1018.1(b).

(e) For any case which is not filed initially in Compulsory Arbitration, including but not limited to, appeals from a civil judgment of a Magisterial District Court and cases which are transferred or assigned to arbitration by Order of Court, or for those cases where FORM 1303 was not included in the Complaint as required by LR1303A(d), any party seeking a claim for money damages shall file with the Prothonotary and serve on all other parties not less than sixty (60) days prior to the scheduled arbitration hearing, a Notice of Duty to Appear at Arbitration Hearing (FORM 1303).

Note: Failure of a party seeking a claim for money damages to comply with Rule LR1303A(d) or (e) would result in that party being barred from proceeding with a non-jury trial in lieu of an arbitration as provided in LR1303B.

**LR1303B. Failure to Appear for Hearing.**

(a) If a party fails to appear for a scheduled arbitration hearing, the matter may, if all present parties agree and have complied with LR1303A(d) and (e), as the case may be, be transferred immediately to a Judge of the Court of Common Pleas, if available, for an ex parte hearing on the merits and entry of a non-jury verdict, from which there shall be no right to a trial de novo on appeal.

(b) A non-jury verdict entered at a hearing held pursuant to LR1303B(a) shall not exceed \$25,000.00 (exclusive of interest and costs) to any party.

Note: This local rule results in the loss of the right to a trial de novo on appeal, as described in the local rule. A dismissal or judgment which results from this local rule will be treated as any other final judgment in a civil action, subject to Pa.R.C.P. 227.1. A licensed attorney appearing for a party is considered an appearance for purposes of this rule.

**FORM 1303 NOTICE OF DUTY TO APPEAR AT  
ARBITRATION HEARING**

**(Caption)**

**DUTY TO APPEAR AT ARBITRATION HEARING**

**YOU HAVE BEEN SUED IN COURT. The Notice to Defend contained in the Complaint explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place at a time and place to be designated by the Beaver County Court Administrator.**

**IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.**

**IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.**

**INFORMATION ABOUT THE DATE, TIME AND LOCATION OF THE ARBITRATION HEARING CAN BE OBTAINED FROM THE BEAVER COUNTY COURT ADMINISTRATOR'S OFFICE SET FORTH BELOW:**

**Beaver County Court Administrator**

**Beaver County Courthouse**

**810 3rd St.**

**Beaver, PA 15009**

**Telephone: (724) 770-4700**

**LR1304. Powers of Arbitrators.**

The Board of Arbitrators shall have the powers conferred upon them by law, including the power to permit the amendment of any pleading. The Arbitrators' permission and the amendment must be filed in writing promptly.

*Note:* 1. See Pa.R.C.P. Nos. 1303(b) and 1304(a) for the power of arbitrators to act when a party fails to appear or is not ready.

**LR1306. Arbitration Award.**

The Board shall submit its award to the Court Administrator who shall note the same on its records and forthwith file the award with the Prothonotary. Failure to submit the Award promptly may result in the imposition of sanctions, including forfeiture of the Arbitrator's fees.



## ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

### LR1915a. Custody (Corresponds to Pa.R.C.P. 1915.3, 1915.4, 1915.4-1, 1915.4-2, 1915.4-3 and 1915.4-4).

1. *Scheduling the Custody Conference.* When filing a claim for custody or partial custody in a Complaint or a subsequent claim, the moving party shall:

(a) Present the pleading to the Administrative Custody Judge during Motions Court to obtain the Court's signature on the scheduling Order. Immediately thereafter, obtain a date and time for the Conference from the Administrative Custody Judge. The Judge' Chambers will make a copy of the pleading and Order to be forwarded to Juvenile Services Division.

(b) File the original pleading and Order in the Prothonotary's Office.

(c) Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties, with proof of service to be filed in the Prothonotary's Office, and a copy of the proof of service to be provided to the Child Custody Conference Officer at or prior to the time set for the Conference.

(d) When a Petition for Contempt of a Custody Order is filed, the Judge shall schedule the Contempt Petition for a Status Conference or Hearing before the Court, or for a Conciliation Conference before a Conference Officer. If a Petition for Contempt is filed at or about the same time as a Petition for Modification of a Custody Order, the Judge may order the Contempt Petition to be mediated by the Conference Officer at the same time as the Petition for Modification. If the matter is not resolved at the Conciliation Conference, the Court shall schedule a Status Conference or a Hearing on the Contempt matter, or if Exceptions are filed to the Proposed Order of Custody, the Judge may consolidate the Contempt matter with the Pre-Trial Conference and/or Trial scheduled on the Modification Petition.

(e) In order to facilitate compliance with the requirements of the Uniform Child Custody Jurisdiction Enforcement Act, a party shall provide the Court with all known information concerning a Custody proceeding pending in another state which involves the same parties or children.

*Note:* In particular, the Court should be informed of the following: (1) the name and address of the Court in which such case is pending; (2) the caption of such case; (3) the name, address and telephone number of the Judge to whom the case might have been assigned, and (4) any Orders entered in such case. Information provided under this Rule should be submitted in writing and attached to the Complaint/Petition.

(f) All Petitions for Modification of Custody Orders shall have attached thereto, unless excused by the Court for good cause shown, copies of the Petitioner's Certificate of Completion of the mandatory Educational Seminar as required in LR1915A, as well as proof of compliance with all counseling and other services mandated in the Order sought to be modified. If such proof and the Certificate of Completion are not attached, the Court may refuse to entertain the Petition.

2. *Preliminary Objections.* Any party filing Preliminary Objections raising issues of jurisdiction or venue of the Court to act, shall, concurrently with filing the same with the Prothonotary, deliver a true and correct copy of the Preliminary Objections to the Judge assigned to handle Custody matters and to opposing counsel and/or to any

party not represented by counsel. The Judge will schedule the matter for Argument on a priority schedule to dispose of the issues as expeditiously as possible.

#### 3. *Conduct of Conciliation Conference Officer.*

(a) The Child Custody Conference Officer will convene a Conciliation Conference, as scheduled by the Court, which Conference shall be attended by the parties and their legal counsel, if any.

(b) Before counsel appears before the Child Custody Conference Officer, counsel must enter his/her Appearance on the record in the Prothonotary's Office, provide notice to all opposing counsel or party(ies) and have proof of entry of Appearance available at the Conference.

(c) Counsel for the parties, or the parties themselves if unrepresented, are to provide true and correct copies of any exhibits to be shown to the Child Custody Conference Officer at the Conference, to counsel for the opposing party or to the opposing party if unrepresented, at least five (5) days prior to the scheduled Conference. Failure to comply may, at the discretion of the Child Custody Conference Officer, result in the exclusion of the exhibit from consideration, the rescheduling of the Conference to allow the opposing party an opportunity to respond or other action deemed appropriate by the Child Custody Conference Officer, keeping in mind the Officer's need to evaluate the best interest of the child(ren).

(d) The parties, counsel and the Child Custody Conference Officer, as mediator or conciliator, shall make a good-faith effort to resolve the issues and reach agreement on custody and/or partial custody. The Child Custody Conference Officer shall conduct the Conciliation Conference as an informational and conciliatory proceeding rather than confrontational or adversarial.

(e) No scheduled Custody Conference shall be rescheduled by any party or counsel without the prior expressed consent of the opposing party or counsel or Order of Court issued upon a Motion to Continue submitted in accordance with LR208.3(a)(3).

#### 4. *Procedure After Conciliation Conference.*

(a) If the parties reach agreement, the Child Custody Conference Officer shall submit an Agreed Order to the Court bearing the written consents, evidenced by signatures of the parties and their counsel, if any. Neither the parties nor counsel need to appear before the Court for the Court's approval of the Agreed Order.

(b) If, for any reason, the parties do not reach agreement, the Child Custody Conference Officer shall file a written report with the Court within five (5) business days, unless otherwise extended by agreement of counsel, or the parties if unrepresented. The report shall be in a narrative form and shall include the positions of the parties, proposed settlements of the parties, if any, and the recommendation of the Child Custody Conference Officer, together with reasoning for the recommendations and either a Proposed Order or a Temporary Order. Upon receipt and review of the report, the Court shall issue a Proposed Order or a Temporary Order and promptly provide a copy thereof, together with a copy of the Child Custody Conference Officer's report, except for that portion of the report relating to comments from the minor child(ren), to counsel for the parties, or the parties themselves if not represented by counsel.

(c) A Proposed Order shall be entered as a Final Order unless Exceptions thereto are filed by either party within twenty (20) days after the effective date set forth in the Proposed Order. Exceptions may also be filed to a Tempo-



rary Order at any time during the existence of the Temporary Order, but the Court will decide whether the Exceptions will be remanded back to the Child Custody Conference Officer for further proceedings and recommendation or set down by the Court for a Pre-Trial Conference as provided for herein. The Court may Order, if circumstances warrant, that should Exceptions be filed, the Proposed Order shall be effective as a Temporary Order pending further Order of Court.

(d) Exceptions to the Proposed Order or Temporary Order must be in writing and should state, with particularity, the portion(s) of the Order objected to. The Exceptions must be filed with the Prothonotary, and copies thereof must be delivered forthwith to the Court Administrator's Office, as well as to all counsel and/or unrepresented parties of record.

(e) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(f) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

#### 5. *Pre-Trial Conference.*

(a) Upon receipt of the Exceptions by the Court Administrator's Office, the Court will schedule a Pre-Trial Conference to be attended by all counsel and parties, whether represented by counsel or not. A Pre-Trial Conference with the Court will be scheduled in every case and will be waived only with the consent of the Court.

(b) No later than five (5) days prior to the date scheduled for Pre-Trial Conference, each attorney and each party not represented by counsel must file a completed Pre-Trial Information Statement, on or in a form approved by the Court, at the Court Administrator's Office for the presiding Judge, with copies provided to opposing counsel and/or unrepresented parties of record.

(c) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference, will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(d) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Pre-Trial Conference, may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

#### **LR1915b. Reduced-Fee Program.**

1. Any individual who is referred under Neighborhood Legal Services Association's Pro Bono or Reduced-Fee Programs to a participating member of the Beaver County Bar Association for representation as a litigant in a Custody Action and who is certified by NLSA to be income eligible under Legal Services regulations, shall be granted leave to proceed In Forma Pauperis. Counsel representing these individuals shall present to the Prothonotary a Praeceptum for Permission to Proceed In Forma Pauperis, which shall be endorsed by counsel, and which

shall have attached to it a Certificate of Eligibility prepared by NLSA. The Praeceptum shall be substantially in the following form:

(CAPTION)

#### Praeceptum to Proceed in Forma Pauperis

To the Prothonotary: Kindly allow {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, to proceed In Forma Pauperis.

I, {Attorney's Name}, attorney for the party proceeding In Forma Pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal services or reduced-fee legal services to the party pursuant to the Reduced-Fee or Pro Bono Referral Programs of Neighborhood Legal Services Association. The party's Certificate of Eligibility prepared by Neighborhood Legal Services Association is attached hereto.

\_\_\_\_\_  
Name of Attorney for {Plaintiff/Defendant}  
Address  
Telephone Number  
Supreme Court ID Number

2. Any participating member of the Beaver County Bar Association who provides representation to a Custody litigant on a Motion for Special Relief or at a Child Custody Conference pursuant to a referral from NLSA's Pro Bono or Reduced-Fee Programs, shall be permitted to enter a Limited Appearance. The Praeceptum for Entry of Limited Appearance shall be substantially in the following form:

(Caption)

#### Praeceptum for Entry of Limited Appearance

To the Prothonotary: Kindly enter my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. This Appearance is limited to providing representation {on the filed on behalf of this party/at the Custody Conference scheduled in this matter for [date of Conference]}.

\_\_\_\_\_  
Name of Attorney for {Plaintiff/Defendant}  
Address  
Telephone Number  
Supreme Court ID Number

3. Upon completion of the representation under the above-described referral programs, the attorney shall file a Praeceptum for Withdrawal of Limited Appearance. This Praeceptum shall be filed without leave of Court, and it shall not be required to, but may, contain information about another attorney who may be entering his/her Appearance [ **at the same time** ] **contemporaneously**. This Praeceptum shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last-known address. The Praeceptum for Withdrawal of Limited Appearance shall be substantially in the following form:

(Caption)

#### Praeceptum for Withdrawal of Limited Appearance **Pursuant to LR 1915b**

To the Prothonotary: Kindly withdraw my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter.

[ Withdrawal of this Limited Appearance is permitted pursuant to Miscellaneous Order No. \_\_\_\_ of \_\_\_\_ . ] All future notices should be sent directly to {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, at {set forth last-known address for this party}.

\_\_\_\_ Name of Attorney for {Plaintiff/Defendant}  
Address  
Telephone Number  
Supreme Court ID Number

**LR1915C. Educational Seminar Pertaining to Children of Divorcing Parents.**

All parties to Custody Actions filed on or after June 1, 1994 where the interests of children under the age of eighteen (18) years are involved, shall, unless excused by the Court, complete a program which we have entitled the Educational Seminar Pertaining to Children of Divorcing Parents (the "Seminar").

All parties shall register for the first available Seminar after the date the Defendant has been served with process. Counsel for the Plaintiff shall require the Plaintiff to register for the Seminar and shall have a copy of the attached Notice and Registration Form served on the Defendant at the same time as the Complaint. Failure of

a party to successfully complete the Seminar will result in sanctions by the Court, including Contempt.

**LR1915d. Custody Motions.**

**No motion relating to custody (Special Relief and Emergency Relief) will be entertained by the court unless counsel for the parties or any self-represented party involved shall have first conferred and attempted to resolve the issues. All such motions shall have a written certification of the moving party attached. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel or any self-represented party was unable to resolve the issues.**

**In the event counsel or self-represented party have not conferred, counsel for the moving party or the self-represented party shall certify the reason or reasons therefore.**

**In the event that both parties are self-represented and both parties are subject to a mutual Protection from Abuse Order, the parties are excluded from conferring to resolve the dispute. A Certificate of Compliance for Rule 1915(d) form must be attached and completed "unable to confer due to a Protection from Abuse Order."**

**CIVIL DIVISION—LAW**

\_\_\_\_\_  
Plaintiff \_\_\_\_\_ , :  
 :  
vs. :  
 :  
\_\_\_\_\_ , :  
Defendant \_\_\_\_\_ :  
 :

No. \_\_\_\_\_

**CERTIFICATE OF COMPLIANCE FOR RULE 1915d**

**I certify that I have complied with Local Rule 1915d as noted below.**

- [ ] Talked by phone \_\_\_\_\_  
(date)
- [ ] Met in Person \_\_\_\_\_  
(date)
- [ ] Telephoned/Left message \_\_\_\_\_  
(date)
- [ ] Emailed \_\_\_\_\_  
(date)
- [ ] Emergency \_\_\_\_\_
- [ ] Other: \_\_\_\_\_
- [ ] Domestic Violence Waiver \_\_\_\_\_
- [ ] Unable to Confer because: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

LR1915.11-1. Parenting Coordination.

Beaver County implements a Parenting Coordination program pursuant to Pa.R.C.P. 1915.11-1.

(a) Appointment of a Parenting Coordinator.

(1) Appointment of a Parenting Coordinator shall be considered and appointed by the Court pursuant to Pa.R.C.P. 1915.11-1.

Any party seeking a reduced fee must present a Petition to Proceed in forma pauperis to the Family Court Motion Judge within (3) days of the appointment order absent good cause shown. The form can be found at: <http://www.beavercountypa.gov/Depts/Courts/LawLib/>.

(b) Roster of Approved Parenting Coordinators. The roster of the Court's approved Parenting Coordinators shall be posted at the Court Administration Office located in the Beaver County Courthouse. An attorney or mental health professional seeking to be included on the Beaver County Court's roster of qualified individuals to serve as a Parenting Coordinator shall submit a letter to the Beaver County Court Administration and shall include:

(1) An affidavit attesting the applicant has qualifications found in Pa.R.C.P. 1915.11-1;

(2) An acknowledgment the applicant will follow the Association of Family and Conciliation Courts (AFCC) Parenting Coordinator guidelines and has read the American Psychological Association (APA) Parenting Coordinator Guidelines; and

(3) An acknowledgment of responsibility to accept reduced fee or no fee assignments each year no more than twenty (20) hours a year, as needed. (Appointments for reduced or no fee assignments will be made on a rotating basis for all Parenting Coordinators on the Court's roster).

AFCC Parenting Coordinator guidelines are posted at: <https://www.afccnet.org/>; and the APA Parenting Coordinator Guidelines are posted at: <https://www.apa.org/>.

(c) Parenting Coordinator Recommendations.

(1) The Parenting Coordinator shall file their Summary and Recommendations with the Prothonotary and the Judge assigned to the case, or if no assignment has been made, the Family Court Administrative Judge, within two (2) days after the last communication with the parties on the issues in accordance with Pa.R.C.P. 1915.11-1(f). Proof of service shall be filed.

(2) Objections to Parenting Coordinator's Recommendation(s) and Petition for a Record Hearing.

a) A party objecting to the Recommendations must file original Objections and a Petition for a Record Hearing with the Prothonotary and must deliver a copy to the assigned Family Court Judge, or if none, to the Family Court Administrative Judge, within five (5) days of service of the Sum-

mary and Recommendations together with a Proof of Service upon all parties and the Parenting Coordinator.

b) The Objections and Petition shall be required as directed in Pa.R.C.P. 1915.11-1(f).

c) In the event Objections are filed, the Court receiving a copy of the objection shall schedule a timely proceeding.

(3) Court Review of Parenting Coordinator's Recommendations. If no objections to the Parenting Coordinator's Recommendation are filed with the Prothonotary, the Judge assigned to the case, or if none, the Family Court Administrative Judge, will review the Recommendation in accordance with Pa.R.C.P. 1915.11-1(f)(4).

(d) Fees. Parties who request the appointment of a Parenting Coordinator or who are identified by the Court as benefiting from the appointment of a Parenting Coordinator shall pay the Parenting Coordinator as follows:

(1) At a rate to be determined at the time of the appointment.

(2) Absent good cause shown, each party shall pay fifty percent (50%) of the hourly fee, or the fee may be allocated as deemed appropriate by the Court. See Pa.R.C.P. 1915.11-1.

(3) Absent good cause shown, each party shall pay up to \$500.00 as an initial retainer, or the retainer may be allocated. See Pa.R.C.P. 1915.11-1.

(4) If after review of the In Forma Pauperis Petition, the parties combined gross income and family size is at or below federal poverty guidelines, the Parenting Coordinator's fee shall be considered for a waiver/reduced fee or one paid by the County of Beaver.

(e) Miscellaneous.

(1) A Parenting Coordinator shall not be required to make a Recommendation to the Court, at their discretion, on every disputed issue raised by the parties.

(2) The appointing Judge may reject a Recommendation from a Parenting Coordinator without a proceeding, at their discretion, if the disputed issue exceeds the authority set forth in Pa.R.C.P. 1915.11-1.

ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGELR1920.33(b). Pre-Trial Conference.

When a divorce case which contains contested claims is at issue, either party may present to the judge assigned to divorce matters a motion for a pre-trial conference. A party requesting a pre-trial conference must first have filed an inventory prepared in compliance with Pa.R.C.P. No. 1920.33(a); the motion requesting the pre-trial conference must so certify.

Advance notice must be given in accordance with [ LR208.3(a)3 ] LR208.3(a)(3). At least five (5) calendar

days prior to a scheduled pre-trial conference, each party shall file, serve, and deliver to the trial judge a pre-trial statement prepared in compliance with Pa.R.C.P. No. 1920.33(b). This requirement will be strictly enforced. The issues to be addressed at a pre-trial conference shall include settlement, simplification of any unresolved issues, and whether the court or a Master will hear any unresolved issues.

**[ LR1920.42 Affidavit under Section 3301(d) of the Divorce Code.**

The affidavit required under Section 3301(d) of the Divorce Code (the "Affidavit") shall be filed with the Prothonotary before it is served. The opposing party must be served with a certified copy of the Affidavit. The moving party must wait a minimum of twenty (20) days after service of the Affidavit before serving the Notice of Intention to File Praecipe to Transmit the Record and Counter Affidavit or filing the Waiver of Notice authorized by Pa.R.C.P. 1920.42(e). ]

**LR1920.43. Special Relief.**

A party seeking special relief must give notice to opposing counsel, or to an unrepresented opposing party, of his or her intention to seek such special relief in accordance with LR206.1(c). If immediate relief is requested, or if the request for relief is such as would likely be opposed, a copy of the notice, the petition, and the proposed order shall be delivered to the judge to whom the request is to be made at least three (3) business days before the request is to be presented.

**LR1920.51. Proceedings Before Master.**

If a party seeks to continue a hearing or other proceeding which has been set by the Master, and the other party opposes the continuance, the motion requesting a continuance of the matter pending before the Master shall be presented to the judge who appointed the Master in accordance with LR208.3(a)3.

**LR1920.55-2. Exceptions to a Master's Report.**

Counsel or an unrepresented party who files exceptions to a Master's Report shall, concurrently with the filing, deliver a copy of the exceptions to the judge who appointed the Master.

**LR8000.5. Pretrial Procedure.**

**The Court shall hold Initial Case Management Conferences for all real estate tax assessment appeal cases on dates and times set by the Court.**

**(a) For all new filings in real estate tax assessment appeal cases:**

**(1) The Prothonotary shall assign the case to a judge using the Infocon system.**

**(2) An Initial Case Management Conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on a date to be determined by the Court.**

**(3) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:**

**a. This case summary shall be substantially in accordance with Form 8000.5A and shall set forth suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, and a proposed date for a pre-trial conference.**

**(4) At the time of the case management conference, the Court may, after consultation with the parties, issue a case management order assigning the case to the residential property case management track pursuant to LR 8000.5(b), the non-residential property case management track pursuant to LR 8000.5(c), submit the case to a master for disposition pursuant to LR 8000.6, 8000.7, 8000.8, and 8000.9, or enter a case management order setting forth specially-set deadlines for discovery, the filing of dispositive motions, the exchange of expert reports, and the scheduling of a pre-trial conference.**

**[ (a) ] (b)** If assigned to the residential property case management track at the time of the case management conference, the following schedule shall govern the appeal:

(1) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the case management conference. At the time of the pretrial conference, all counsel and the parties, or a designated representative, shall be present.

(2) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(3) Each party of record shall file a Pretrial Memorandum within one hundred and twenty (120) days of the case management conference. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(4) The Court Administrator shall schedule a conciliation conference within one hundred and eighty (180) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

(5) These deadlines shall only be extended for good cause shown via motion presented during Tax Assessment Appeal Motions Court in compliance with LR208.3(a).

**[ (b) ] (c)** If assigned to the non-residential property case management track at the time of the case management conference, the following schedule shall govern the appeal:



(1) Discovery requests shall be propounded within forty-five (45) days of the filing of the appeal.

(2) Responses to discovery shall be furnished within forty-five (45) days of the date of the requests.

(3) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the case management conference. At the time of the conference, all counsel and the parties, or a designated representative, shall be present.

(4) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(5) Each party of record shall file a Pretrial Memorandum within one hundred and eighty (180) days of the case management conference. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(6) The Court Administrator shall schedule a conciliation conference within one hundred eighty days (180) days of the case management conference. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

(7) These deadlines shall only be extended for good cause shown via motion presented during Tax Assessment Appeal Motions Court in compliance with LR208.3(a).

**FORM 8000.5A**

**(COVER SHEET WITH CAPTION)**

**1. LR 8000.5A REAL ESTATE TAX ASSESSMENT APPEAL SUMMARY NATURE OF THE CHALLENGE**  
**Please set forth the general nature and reasons for the appeal.**

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**2. PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGMENT ON THE PLEADINGS**  
**Are there any pending or anticipated preliminary objections or motions for judgment on the pleadings in this case? Yes \_\_\_\_\_ or No \_\_\_\_\_**

**If yes, please provide more detail:**

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**3. SUGGESTED DATES**

**Set forth suggested dates for the following:**

**a. Date by which fact discovery should be completed:**

**b. Date by which expert reports should be exchanged:**

**c. Dates by which dispositive motions and responses thereto should be filed:**

**d. Dates proposed for pre-trial conference:**

**4. ALTERNATIVE MASTER DISPOSITION**

**The parties shall state reasons, if any, why the case should not be submitted to a master.**

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**Title 255—LOCAL COURT RULES****BUCKS COUNTY****Amended Clerk of Courts Fee Bill Effective January 1, 2022; Administrative Order No. 103 of 2021****Order**

And now, this 30th day of November, 2021, the Office of the Clerk of Courts Fee Bill effective January 1, 2022, as follows hereto and incorporated herein, is hereby approved by the undersigned, President Judge of the Bucks County Court of Common Pleas, pursuant to 42 Pa.C.S. § 1725.4(a)(1).

*By the Court*

WALLACE H. BATEMAN, Jr.,  
*President Judge*

**Fee Bill 2022****Adopted pursuant to Act No. 36 of 2000****Effective January 1, 2022****MISDEMEANORS AND FELONIES DISPOSED OF BEFORE TRIAL\***

For each case \*\* ..... \$240.00

**MISDEMEANORS AND FELONIES DISPOSED OF DURING OR AFTER TRIAL\***

For each case \*\* ..... \$296.00

**SUMMARY/CONTEMPT MATTERS**

For each Summary case\*\* ..... \$34.00

**Notes:**

\* For purposes of this Fee Bill, a trial begins in a non-jury trial when the prosecution begins its opening statement and in a jury trial when the jury is sworn.

\*\* A "case" is each separate complaint, transcript, or Bill of Information unless consolidated for trial by Order of Court.  
Fees set by: Brian Munroe, Clerk of Courts

**ADDITIONAL CHARGES ON EACH INFORMATION OR TRANSCRIPT****WHETHER DISPOSED OF BEFORE, DURING, OR AFTER TRIAL**

(Not totally inclusive of all STATE-mandated ACTS)

**Charges Mandated by Act 113 of 2001: (portion to County; and portion to State)**

FELONY INFORMATION	\$71.00
MISDEMEANOR INFORMATION	\$61.50
SUMMARY CONVICTION except Motor Vehicle	\$54.00
SUMMARY CONVICTION—Motor Vehicle Case	\$42.50
SUMMARY CONVICTION—Motor Vehicle Case with Hearing Demanded	\$51.50

*Note:* If multiple convictions are involved, only one set of costs will be assessed (highest amount) for each case.

Defendants sentenced to County Probation supervision or placed on County Parole	\$40.00 per month
Defendants subject to A.R.D. agreement or Probation pursuant to Section 17	\$350.00 (ARD Administrative Fee and Supervision Fee)

ADMINISTRATIVE MANAGEMENT FEE cost of handling money paid into court	\$30.00 (maximum)
BENCH WARRANT (Certifications)	\$23.00
WITNESS FEE (For Commonwealth Witnesses)	7 cents per mileage plus \$5.00 per witness per day
CONSTABLE COSTS (from D.J. level)	ACTUAL COST
SHERIFF FEE	\$5.00
TRANSPORTATION Costs	ACTUAL COSTS
Cost of CRIME LAB fees for Commonwealth	ACTUAL COSTS
PAROLE VIOLATION Additional Hearings	\$56.00

ARD/Section 17 VIOLATION Additional Hearings	\$56.00
AUTOMATION FEE (for each initial action or initial legal proceeding)	\$5.00
LAW LIBRARY	\$20.00
BOOKING CENTER FEE	\$250.00
FORENSIC LAB FEE (DUI)	\$150.00

**ADDITIONAL FEES**

Certifications (includes Drivers License notifications to PA Dept of Transportation and Bail Forfeitures)	\$12.00
APPEALS to Superior, Supreme, or Commonwealth Courts (PLUS \$90.25 check made payable to Appellate Court eff. 11-01-17)	\$63.00
FILING OF ALL OTHER MATTERS IN THE CLERK OF COURTS' OFFICE (includes Bail Assignments) *Addtl \$5 Automation Fee if Misc Case created *	\$21.00*
RECORD SEARCHES (includes name search, one docket print, and/or up to 5 copies from file)	\$21.00
SERVICE CHARGE FOR BAD CHECKS or cancelled Money Orders Received OR Credit/Debit Card reversals	\$35.00
Request to STOP PAYMENT on a check	\$34.00
COPY CHARGE (per page)	\$0.30
MICROFILM COPIES (per page)	\$1.50
DOCKET PRINT OUT (up to 20 pages, each additional \$0.30 per page)	\$5.00
FAX charge	\$1.00
Electronic media copy fee	\$10.00 per CD
SUBPOENA	\$4.25
BAIL PIECE	\$12.00
EXEMPLIFICATIONS (Certifications) Each Additional page	\$12.00 \$1.40
APPEAL FROM SUMMARY CONVICTION * Addtl \$5 Automation Fee *	\$63.00*
EXPUNGEMENT/LIMITED ACCESS PETITION/ORDER (Service includes 5 certified copies of Order) * Addtl \$5 Automation Fee if Misc Case created (1 case per petition or if multiple cases on the same petition, additional certification fees may apply)	\$115.00* (Additional \$132.00 mandated by Act 5 of 2016)

**BAIL PROCESSING FEES**

BAIL ADMINISTRATIVE FEE (entering and servicing bail (includes Bond)—See Local Rule Crim 535(G)(H)(I)(J). If less than \$100, no refund; exception ROR	\$100.00
R.O.R/Unsecured BAIL BOND	\$12.00
REAL ESTATE BAIL	\$23.00

**JUVENILE MATTERS**

INITIAL HEARING (each docket)	\$56.00
ADDITIONAL HEARING (per juvenile)	\$43.50

## PETITIONS FOR PRIVATE DETECTIVE LICENSE

FILING FEE	\$52.00
INITIAL LICENSE—INDIVIDUAL (2 YEARS)	\$200.00
INITIAL LICENSE—CORPORATION (2 YEARS)	\$300.00
RENEWAL OF LICENSE PROCESSING FEE	\$21.00
RENEWED LICENSE—INDIVIDUAL (3 YEARS)	\$300.00
RENEWED LICENSE—CORPORATION (3 YEARS)	\$450.00
FEE for PROCESSING FINGERPRINT CARDS *PLUS : Check payable to Commonwealth of Pennsylvania (per fingerprint card)—\$17.50	\$12.00*

[Pa.B. Doc. No. 21-2057. Filed for public inspection December 10, 2021, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 28—HEALTH AND SAFETY

### DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

[ 28 PA. CODE CH. 717 ]

#### Standards for Drug and Alcohol Recovery House Licensure

In accordance with section 2313-A of The Administrative Code of 1929 (Administrative Code) (71 P.S. § 613.13), the Department of Drug and Alcohol Programs (Department) adds Chapter 717 (relating to Standards for Drug and Alcohol Recovery House Licensure) to read as set forth in Annex A.

##### *Statutory Authority*

This final-omitted rulemaking is issued under the authority provided in section 2313-A of the Administrative Code which states that the Department shall promulgate final-omitted regulations for the licensure or certification of drug and alcohol recovery houses that receive funds or referrals from the Department, or a Federal, State or other county agency.

##### *Purpose*

The purpose of this final-omitted rulemaking is to establish requirements for drug and alcohol recovery house licensure by the Department. Nationally, amid an opioid epidemic, the treatment community has seen a recent influx of unscrupulous individuals who seek to enrich themselves by exploiting those in recovery. Without codified recovery housing standards or protections, there are unknown numbers of unregulated, substandard houses providing low-quality to no supportive services, committing insurance fraud and exploiting vulnerable populations. Without adequate supports, individuals with substance use disorder (SUD) are at greater risk of relapse, increasing their chance of overdose and death. This final-omitted rulemaking establishes the procedures for issuance of a drug and alcohol recovery house license and provides standards for the licensure of a drug and alcohol recovery house under subarticle B of Article XXIII-A of the Administrative Code (71 P.S. §§ 613.11—613.18).

This final-omitted rulemaking adds §§ 717.1—717.33.

##### *Background*

A drug and alcohol recovery house is defined as “[h]ousing for individuals recovering from drug or alcohol addiction, which provides those individuals with a safe and supportive drug and alcohol-free environment that may include peer support and other recovery support services” in section 2311-A of the Administrative Code (71 P.S. § 613.11). Recovery houses are not SUD treatment facilities. Rather, recovery houses provide support to individuals who are receiving outpatient treatment for, or in recovery from, SUD who may benefit from supportive housing, a substance-free environment and peer camaraderie.

Provisional data from the United States (U.S.) Centers for Disease Control and Prevention (CDC) report that over 81,000 U.S. drug overdose deaths occurred in the 12-month period ending in May 2020, the highest number of overdose deaths ever recorded in a 12-month period (<https://www.cdc.gov/media/releases/2020/p1218-overdose->

<https://www.cdc.gov/drugoverdose/data/statedeaths/drug-overdose-death-2019.html>). This Commonwealth ranks fifth for rate of age-adjusted overdose deaths in 2019, with 35.6 overdose deaths per 100,000 population (<https://www.cdc.gov/drugoverdose/data/statedeaths/drug-overdose-death-2019.html>). The U.S. Substance Abuse and Mental Health Services Administration (SAMHSA) estimated that in 2016-2017, 7.22% of this Commonwealth’s adult population met the Diagnostic and Statistical Manual of Mental Disorders criteria for SUD (<https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHsaePercentsExcelCSVs2017/NSDUHsaePercents2017.pdf>). Applying this estimate to U.S. Census Bureau estimates (July 2018) for the population in this Commonwealth suggests that over 700,000 adults suffer from SUD. In a recent report, the U.S. Surgeon General estimated that “[o]nly about 12.2 percent of adults who need treatment for substance use disorder receive any type of specialty treatment” (<https://addiction.surgeongeneral.gov/sites/default/files/surgeon-generals-report.pdf>). It is unknown how many of those individuals who undergo treatment for SUD also seek housing from a drug and alcohol recovery house; however, safe, stable housing and a supportive peer community have continually been identified as top needs for individuals to sustain their recovery journey ([https://www.thenationalcouncil.org/wp-content/uploads/2017/05/Recovery-Housing-Issue-Brief\\_May-2017.pdf](https://www.thenationalcouncil.org/wp-content/uploads/2017/05/Recovery-Housing-Issue-Brief_May-2017.pdf)).

From 2014 to 2016, as recommended by House Bill 1298 of the 2013 Session, the Department convened a Certified Drug and Alcohol Recovery Housing Taskforce comprised of key stakeholders. This Taskforce provided the Department with recommended regulatory language for drug and alcohol recovery houses. The Department used this language as a starting point for its own regulatory draft.

The Pennsylvania General Assembly enacted the act of December 19, 2017 (P.L. 1187, No. 59) (Act 59 of 2017) to add subarticle XXIII-A(b) to the Administrative Code (71 P.S. §§ 613.11—613.18) to govern the licensure or certification of drug and alcohol recovery houses. The statutory and regulatory requirements for compliance are the same regardless of whether drug and alcohol recovery houses are licensed or certified. The Department chose to use the term “licensure” for this final-omitted rulemaking of drug and alcohol recovery houses. The Department already licenses treatment facilities for individuals who have SUD. Although drug and alcohol recovery houses are not treatment facilities, the Department wants to maintain consistency in the processes for the application, inspection and approval of all the entities it regulates. In addition, there are private organizations such as the National Association of Recovery Residences (NARR) and its affiliate, the Pennsylvania Association of Recovery Residences (PARR), that certify drug and alcohol recovery houses for compliance with their standards. Several stakeholders have asked whether certification by NARR or PARR is sufficient to meet the regulatory requirements for licensure. While NARR, PARR and other similar organizations provide valuable resources to their members, their standards do not meet all statutory or regulatory requirements for licensure. The Department’s use of the term “licensure” will reduce this confusion between compliance with this final-omitted rulemaking and other standards within the drug and alcohol recovery house community. Section 2313-A identifies twelve specific areas the Department must include in this final-omitted rule-

making for the licensure of drug and alcohol recovery houses. The Department addressed those areas in the following sections:

- § 717.22(b)(2) (relating to beginning of residency) requires drug and alcohol recovery houses to have a policy that ensures that residents are informed of house rules, residency requirements and lease agreements.
- § 717.16 (relating to fiscal management) requires drug and alcohol recovery houses to have policies and procedures for management of funds received and expended in accordance with standard accounting practices, including funds received from or managed on behalf of residents.
- § 717.17(b)(7) (relating to personnel management) requires drug and alcohol recovery houses to have policies regarding criminal background checks for operators and employees.
- § 717.25(b)(5) (relating to financial transactions) requires drug and alcohol recovery houses to have a policy that no owner, employee, house officer or related individual shall directly or indirectly solicit or accept a commission, fee or anything of monetary or material value from residents, other related individuals, third party entities or referral sources, beyond specified rent established in writing at the time of residency.
- § 717.30 (relating to safety and emergency procedures) requires drug and alcohol recovery houses to have policies and procedures addressing the safety and protection of residents.
- § 717.28(1) (relating to resident requirements) requires drug and alcohol recovery houses to have policies that promote recovery by requiring resident participation in treatment, self-help groups or other recovery supports.
- § 717.28(2) requires drug and alcohol recovery houses to have policies requiring abstinence from alcohol and illicit drugs.
- § 717.24 (relating to medication control and self-administration) requires drug and alcohol recovery houses to have procedures regarding appropriate use and security of medication.
- § 717.30(c) and (d) require drug and alcohol recovery houses to maintain the property in which the house is located, including the installation of functioning smoke detectors, carbon monoxide detectors and fire extinguishers and compliance with local fire codes.
- § 717.25(b)(1) requires drug and alcohol recovery houses to have policies and procedures which prohibit an owner, house administrator or employee from requiring a resident to sign any document for the purpose of relinquishing the resident's public assistance benefits, including, but not limited to, medical assistance benefits, cash assistance and Supplemental Nutrition Assistance Program benefits.
- § 717.32 (relating to complaints about drug and alcohol recovery houses) provides the Department's policies and procedures for managing complaints.
- § 717.27 (relating to notification to family member or emergency contact) requires drug and alcohol recovery houses to notify a family member or other emergency contact designated by the resident under certain circumstances, including death due to an overdose.

Applicants will submit policies and procedures as attachments to the online licensing application. Staff, within the Department's Division of Licensing Operations, Bureau of Program Licensure, will review and approve

each applicant's policies and procedures that comply with regulatory requirements. During licensing inspections, staff, within the Department's Recovery House Licensing Section, Bureau of Program Licensure, will determine whether the drug and alcohol recovery house licensee, staff and volunteers are following approved policies and procedures. Department staff will raise any questions or concerns relating to policies and procedures during the licensing or inspection processes. This process gives licensees the flexibility to set their own standards to meet the needs of their residents while the Department can review and oversee their implementation to protect the health and safety of residents in this Commonwealth seeking drug and alcohol recovery housing as part of their recovery journey.

In addition to these requirements, section 2318-A of the Administrative Code (71 P.S. § 613.18) states that, "In order to receive and maintain licensure or certification, a drug and alcohol recovery house must be in compliance with all Federal, State and local laws, including, but not limited to, the Americans with Disabilities Act of 1990 (Pub.L. No. 101-336). Failure to comply or remain in compliance shall result in loss of licensure or certification and removal from the registry" of licensed drug and alcohol recovery houses on the Department's web site. The Department included this provision in § 717.29 (relating to physical plant standards).

The Department distributed a draft of the regulation to a listserv on May 14, 2019, with a request for written comments, suggestions and objections by June 13, 2019. At the time of distribution, the listserv was comprised of 430 individuals including recovery house operators, drug and alcohol and recovery organizations, advocates, public officials and others who had contacted the Department with interest in receiving updates on the recovery house licensure process. The Department received a total of 62 letters and e-mails representing 154 unique comments. These comments represented feedback from a broad spectrum of stakeholders, including current recovery house owners, local health or human services departments, or both, treatment providers and provider associations, State Representatives, Single County Authorities, and others.

The final-omitted regulatory package was originally submitted to the Independent Regulatory Review Commission (IRRC) on March 1, 2021, and withdrawn and resubmitted on March 15, 2021, to include additional forms. In response to comments submitted to IRRC and the Department from the regulatory community and those involved in the regulatory review process, the Department withdrew the regulation on April 9, 2021, to thoroughly review and address these concerns, and resubmitted on June 14, 2021. IRRC considered and disapproved the regulation at the July 15, 2021, public hearing. On August 24, 2021, the Department received IRRC's disapproval order which cited concerns regarding statutory authority; possible conflict with statute; consistency with the intent of the General Assembly; economic and fiscal impacts of the regulation; protection of the public health, safety and welfare; clarity and lack of ambiguity; reasonableness; implementation procedures and timetable for compliance; and compliance with the provisions in the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

*Requirements*

The following is a list of requirements for this final-omitted rulemaking, as well as a summary of the major comments received from the public and the Department's responses.

The most frequent comment that the Department received on the final-omitted regulation was the overall cost to comply to the standards. While the intention of Act 59 of 2017 is to set baseline standards for drug and alcohol recovery houses and provide protections for residents, several commentators suggested that some recovery houses would be unable to meet the standards in the regulation and operate without additional funding and referrals from the government. Several commentators added that recovery houses would have to increase rent to cover expenses, which would be difficult for residents.

Five commentators stated that recovery houses which already comply with other standards, such as NARR or Oxford House International, should already be sufficiently compliant for licensure through the Department. One commentator asked whether the Department would consider a waiver system for inspections if the house is certified or inspected by Single County Authorities.

Ten commentators stated that the regulation should not be placed within Chapter 709 (relating to standards for licensure of freestanding treatment facilities) because it could lead to discriminatory zoning. Fourteen commentators asked why “drug and alcohol recovery house services” was listed with residential treatment and rehabilitation services and short-term detoxification under “Inpatient nonhospital activity.” Two commentators asked for clarification regarding what the term “drug and alcohol recovery house services” means.

Three commentators stated that permitting public entities to make referrals only to licensed recovery houses would limit options for individuals in need.

#### *Response*

The Department understands that there will be both upfront and ongoing costs to comply with the standards for drug and alcohol recovery house licensure, and that many of these costs may lead to increases in the residents’ rent. Prospective residents deciding between licensed and unlicensed recovery houses will benefit from the staff training requirements, physical plant, safety and ethical standards, and support for all forms of drug and alcohol treatment, including medication-assisted treatment, that comes with a recovery house licensed by the Department. Licensed recovery houses will see revenue in the form of government funding, increased referrals and publicity for meeting the licensing standards. Furthermore, since the original draft of the regulation was distributed to stakeholders in May 2019, the Department has significantly reduced costs by removing requirements for fire escapes and annual financial audits.

The Department is aware that other organizations, such as NARR and Oxford House International, already hold certain recovery housing communities to particular quality standards and some of these organizations have their own certification programs. Not all of the provisions required by Act 59 of 2017, however, are required for certification by these organizations and programs. Therefore, drug and alcohol recovery houses certified by these organizations are not necessarily compliant with statutory and regulatory requirements for licensure.

The Department does not want to create any confusion nor give the impression that recovery houses are treatment facilities. The Department has moved the regulation out of Chapter 709 and into Chapter 717 (relating to Standards for Drug and Alcohol Recovery House Licensure). Housing in a drug and alcohol recovery house is no longer listed as an inpatient nonhospital activity. Because the Department is creating a new chapter, it is

adding §§ 717.4, 717.5 and 717.7—717.13, relating to regulatory exceptions, the inspection and licensure process, and appeals. These new sections are substantially similar to existing §§ 709.4, 709.5 and 709.12—709.18 that are applicable to freestanding drug and alcohol treatment facilities. The Department revised those existing sections in adding them to Chapter 717 to apply specifically to drug and alcohol recovery houses and for consistency with the *Pennsylvania Code and Bulletin Style Manual, Fifth Edition*.

There is no data to suggest that permitting referrals by public agencies only to licensed recovery houses will limit options to individuals in need. With roughly 600 recovery house operators already expressing interest in licensure, plus an unknown number of additional licensees, the Department expects there will be significant capacity for licensed recovery houses. Furthermore, neither the law nor the regulation precludes entities from providing information about housing options outside of licensed recovery houses to individuals in need.

#### *§ 717.1. Scope*

The Department adds this section to establish the scope for Chapter 717 regarding standards for drug and alcohol recovery house licensure. This includes scope standards and procedures for issuance of a drug and alcohol recovery house license.

#### *§ 717.2. Legal base*

The Department adds this section to define the legal authority of the Department to license drug and alcohol recovery houses, which is established under section 2312-A of the Administrative Code (71 P.S. § 613.12).

#### *§ 717.3. Definitions*

The Department adds this section to provide definitions for the purpose of this chapter. The first version circulated for stakeholder comments contained definitions of “license” and “licensee.”

Four original commentators asked for a definition of “volunteer.”

Four original commentators asked for a definition of “hours of operation.”

Six original commentators asked for a definition of a “provisional license.”

IRRC suggested adding definitions of “full license,” “illicit drug” and “provisional license.”

#### *Response*

The Department adds definitions of “full license,” “illicit,” “drug” and “provisional license” to this section in response to IRRC’s recommendations. The Department also added a definition of “drug and alcohol recovery house” to this section because it removed the definition from § 701.1. The Department adds a definition of “volunteer.”

The only mention of “hours of operation” in the original draft regulation was in § 717.18 (relating to training). The Department has removed the requirement that at least one person trained in CPR be onsite during the recovery house’s hours of operation, so this definition is no longer necessary.

The provisional licensure process is described in § 717.8 (relating to provisional licensure).

#### *§ 717.4. Exceptions*

The Department adds this section to describe the process by which it may grant exceptions of extensions of



time to this chapter because the existing process for treatment facilities will not apply to drug and alcohol recovery houses. The Department is updating the existing provisions in § 709.4 (relating to exceptions) to apply to drug and alcohol recovery houses and for consistency with the *Pennsylvania Code and Bulletin Style Manual, Fifth Edition*. In response to IRRC's concerns about ambiguity, the Department deleted the amendment to the similar provision in § 701.11 (relating to exceptions to this part).

§ 717.5. *Revocation of exceptions*

The Department adds this section to describe the process by which it may revoke an exception granted under this chapter because the existing process for treatment facilities will not apply to drug and alcohol recovery houses. The Department is updating the existing provisions in § 709.5 (relating to revocation of exceptions) to apply to drug and alcohol recovery houses and for consistency with the *Pennsylvania Code and Bulletin Style Manual, Fifth Edition*. In response to IRRC's concerns about ambiguity, the Department deleted the amendment to the similar provision in § 701.12 (relating to revocation of exceptions).

§ 717.6. *Application and renewal*

The Department adds this section to specify the licensing application and renewal process, including required policies, procedures, and fees.

One commentator asked if the licensee would have a timeframe to develop a manual of policies and procedures if not available at the time of application.

Two commentators asked if the application fee would be per house or per organization for an organization that operates multiples recovery houses.

One commentator stated that all drug and alcohol recovery houses owned by a single operator should be licensed if an operator opts to pursue licensure for at least one of their houses to avoid confusion whether the house may accept public funding or referrals.

Two commentators asked how often a license renewal is required.

One commentator asked if there would be a capacity-based application fee based on the number of beds.

One commentator stated that the application fee of \$250 is too high.

*Response*

As described in this section, the licensee is required to submit a copy of all policies and procedures at the time of application.

The application fee is per house, not per organization. The Department has clarified this in subsections (a) and (b) by stating that initial and renewed licenses must submit an application, policies and procedures, and application fee "for each drug and alcohol recovery house."

The Department will not require a drug and alcohol recovery house operator to license all of their houses if they only want to license one or several. To avoid confusion about which houses may accept public funding and referrals, the Department will include street address locations in the registry it will maintain on its web site under section 2315-A of the Administrative Code (71 P.S. § 613.15).

Renewal of a full license is annual, in accordance with section 2314-A(a) of the Administrative Code (71 P.S. § 613.14(a)).

There will not be an occupancy-based application fee based on the number of beds.

The Department determined that a \$250 application fee is appropriate and reasonable in comparison to fees required by other states and national organizations.

The Department will assess an additional fee of \$100 if a provisional license is issued due to a violation cited as a result of a complaint investigation. The Department may waive or reduce this fee when the licensee addresses the violation by implementing an approved plan of correction.

§ 717.7. *Full licensure*

The Department adds this section to describe the process by which the Department issues a license to a drug and alcohol recovery house because the existing process for treatment facilities will not apply to drug and alcohol recovery houses. The Department is updating the existing provisions in § 709.12 (relating to full licensure) to apply to drug and alcohol recovery houses and for consistency with the *Pennsylvania Code and Bulletin Style Manual, Fifth Edition*. The full license shall expire 1 year following the date it is issued.

§ 717.8. *Provisional licensure*

The Department adds this section to describe the process by which the Department issues a provisional license to a drug and alcohol recovery house because the existing process for treatment facilities will not apply to drug and alcohol recovery houses. The Department is updating the existing provisions in § 709.13 (relating to provisional licensure) to apply to drug and alcohol recovery houses and for consistency with the *Pennsylvania Code and Bulletin Style Manual, Fifth Edition*. The Department will assess a fee of \$250 for each issuance of a provisional license, and will issue a full license upon compliance with this section and receipt of the \$250 renewal fee.

§ 717.9. *Restriction on license*

The Department adds this section to establish the restrictions on the license and the situations in which the licensee shall notify the Department because the existing process for treatment facilities will not apply to drug and alcohol recovery houses. The Department is updating the existing provisions in § 709.14 (relating to restriction on licensure) to apply to drug and alcohol recovery houses.

§ 717.10. *Right to enter and inspect*

The Department adds this section to establish the Department's right to enter, visit and inspect a drug and alcohol recovery house license or applying for a license because the existing process for treatment facilities will not apply to drug and alcohol recovery houses. The Department is updating the existing provisions in § 709.15 (relating to right to enter and inspect) to apply to drug and alcohol recovery houses.

§ 717.11. *Notification of deficiencies*

The Department adds this section to describe the process by which the Department notifies the applicant or licensee of noncompliance with regulations because the existing process for treatment facilities will not apply to drug and alcohol recovery houses. The Department is updating the existing provisions in § 709.16 (relating to notification of deficiencies) to apply to drug and alcohol recovery houses and for consistency with the *Pennsylvania Code and Bulletin Style Manual, Fifth Edition*. After an inspection, the Department will discuss all deficiencies with the applicant or licensee during an exit interview, followed by written notice of deficiencies by means of a



follow-up e-mail. The applicant or licensee has 15 working days to submit a plan to correct noncompliance. The Department will renew a license upon approving a plan of correction. The Department will issue a license to an applicant once it has verified that the applicant has corrected all noncompliance. The Department will use a method of verification appropriate to the deficiency, such as an additional inspection or submission of photographs or documentation to show that the deficiency has been corrected.

§ 717.12. *Refusal or revocation of license*

The Department adds this section to describe the reasons and process for refusal or revocation of a license because the existing process for treatment facilities will not apply to drug and alcohol recovery houses. The Department is updating the existing provisions in § 709.17 (relating to refusal or revocation of license) to apply to drug and alcohol recovery houses.

§ 717.13. *Hearings*

The Department adds this section to describe the process for hearings because the existing process for treatment facilities will not apply to drug and alcohol recovery houses. The Department is updating the existing provisions in § 709.18 (relating to hearings) to apply to drug and alcohol recovery houses and for consistency with the *Pennsylvania Code and Bulletin Style Manual, Fifth Edition*.

§ 717.14. *Fines*

The Department adds this section to explain the Department's policy for imposing fines on the operators of unlicensed recovery houses in accordance with section 2316-A(a) of the Administrative Code (71 P.S. § 613.16(a)).

Section 2314A(c)(1)(iii) of the Administrative Code states that the Department shall establish "a fee for investigation of complaints."

This section will become effective 180 days after publication of this final-omitted rulemaking to avoid disruption of services for drug and alcohol recovery houses that currently receive funds and referrals from public sources. This time period should allow currently operating drug and alcohol recovery houses the opportunity to submit applications and obtain licenses. Because the Department is applying this effective date to all drug and alcohol recovery houses, it is not exercising its discretion under section 2314-A(b) of the Administrative Code to deem existing drug and alcohol recovery houses that have previously been inspected and that document compliance with this final-omitted rulemaking within 180 days after promulgation of this final-form rulemaking as licensed. Instead, all drug and recovery houses must submit applications and obtain licenses in compliance with this final-form rulemaking within 180 days. Two commentators asked how the Department defined whether a recovery house "requires a license," as any house that requires a license but operates without one will be fined.

*Response*

As specified in section 2313-A of the Administrative Code, "any recovery house that receives funds or referrals from the Department, or a Federal, State or other county agency" will require a license.

§ 717.15. *House manager*

The Department adds this section to specify the responsibilities and training requirements of drug and alcohol recovery house managers.

One commentator noted that peer-operated homes that are eligible for certification by the NARR may not have a house manager. Another commentator asked for clarification on whether the president of an Oxford House would qualify as a house manager. Another commentator asked whether there are any education or work experience requirements to be a house manager.

Two commentators stated that a change in a house manager can be a frequent occurrence and notifying the Department each time would be burdensome.

Two commentators suggested that the Department add a timeframe for the house manager to complete training after being hired. Two commentators stated that 12 hours of training annually would be financially burdensome.

One commentator suggested renaming several of the training areas as follows: "Substance abuse trends" to "Trends in drug use and misuse;" "Disease of addiction" to "Substance use disorders;" "Principles of Alcoholics Anonymous and Narcotics Anonymous" to "Peer support or mutual aid groups;" and "Medication control and self-administration" to "Best practices for medication control and self-administration."

*Response*

The Department has determined that each licensee must designate a house manager who is responsible for overall management of the drug and alcohol recovery house. The Department permits the licensee to decide the criteria to designate a house manager responsible for obtaining the trainings and performing the duties outlined in this section. These criteria may include specific education or work experience requirements, if the licensee desires. In the self-governing, democratically-run Oxford House model, the president is charged with moderating discussion during regular business meetings. A licensee of an Oxford House may choose to have the president serve as house manager if the licensee desires.

The Department recognizes that while house managers may change frequently, it is important for the Department to maintain accurate contact information records for each recovery house for communication purposes. For the Department to maintain accurate records for each house, this final-omitted rulemaking now requires that the licensee notify the Department of any changes in house manager within 30 calendar days.

The Department agrees with both suggestions regarding training and revised this final-omitted rulemaking to require 6 hours of training within 6 months of hiring and annually thereafter.

The Department agrees with the suggested renaming of training areas and has revised this final-omitted rulemaking accordingly.

§ 717.16. *Fiscal management*

The Department adds this section to specify the licensee's requirements to develop and implement policies and procedures for management of all funds received and expended by the drug and alcohol recovery house.

The Department received 16 comments stating concern that an annual financial audit is too costly. One commentator suggested that audits should only be required for larger recovery houses (for example, houses with ten or more residents).

One commentator suggested that the annual audit be conducted either randomly, or at a specific time each year.

*Response*

Section 2313-A(2) of the Administrative Code requires that this final-omitted rulemaking include policies and procedures for management of funds received and expended by the recovery house. In the regulation submitted to IRRC in June 2021, the Department had required an annual financial audit to ensure that this Commonwealth's most vulnerable populations were protected from financial exploitation, and that a licensee receiving State or Federal funds and public referrals was appropriately managing their finances. In response to comments about the cost associated with an annual audit, the Department changed the regulation to require an audit of the drug and alcohol recovery house's operations every 2 years. In IRRC's disapproval order to the Department, however, the Commission expressed continued concern that a biennial audit imposes a significant cost and is not within the Department's statutory authority.

In response, the Department revised this section to remove the requirement for an audit. Instead, the Department will require drug and alcohol recovery houses to maintain itemized records and documentation of revenues and expenditures in accordance with the statutory requirement of section 2313-A(2) of the Administrative Code that the regulations include policies and procedures for management of all funds in accordance with standard accounting practices, including funds received from or managed on behalf of residents of the drug and alcohol recovery house. In the event of a complaint about fiscal management from residents or members of the public, the Department will pursue further investigation into the documentation.

§ 717.17. *Personnel management*

The Department adds this section to specify the licensee's requirement to develop and implement written policies and procedures related to employing drug and alcohol recovery house staff and volunteers, including requirements for what information must be maintained in personnel records.

Five commentators asked what aspects of the Pennsylvania State Police Criminal history record check would disqualify an individual from being hired or volunteering, particularly because many individuals who work in recovery houses may have a criminal history.

Three commentators stated that criminal background checks were costly and that requiring them prior to hiring is unreasonable. One commentator asked who pays for the background check.

Two commentators stated that inflexible policies on relapse are not a best practice in supporting individuals in recovery.

Two commentators noted that a requirement for annual staff written performance reviews was too intensive.

*Response*

Section 2333(3) of the Administrative Code requires that the regulations for drug and alcohol recovery houses include "policies regarding criminal background checks for operators and employees of the drug and alcohol recovery house." Neither the statute nor the regulation requires that the results of a background check disqualify a staff person or volunteer. The Commonwealth courts have held that automatic disqualification of an applicant based solely on a past criminal conviction is unconstitutional. *See, e.g., Nixon v. Dep't of Pub. Welfare*, 839 A.2d 277 (Pa. 2003); *Warren County Human Servs. v. State Civil Serv. Comm'n (Roberts)*, 844 A.2d 70 (Pa. Commw. 2004); *Peake v. Com.*, 132 A.3d 506 (Pa. Commw. 2015).

The Department gives discretion to each licensee to develop a policy regarding the results of a background check. Licensees should consider all factors that an applicant presents, including past criminal convictions and steps at rehabilitation, and make decisions about the applicant's suitability for the specific position, consistent with the Criminal History Record Information Act, specifically 18 Pa.C.S. § 9125 (relating to use of records for employment). The Department understands that background checks may delay hiring of staff. According to the Pennsylvania Access to Criminal History (PATCH) web site, 85% of "No Record" certificates are returned immediately to the requestor online. There is no fee for obtaining a Pennsylvania State Police background check for volunteers. It is the responsibility of the licensee to pay for the background checks of staff.

The provision related to relapse refers to recovering staff and volunteers, not residents. The Department agrees with the commentators that inflexible policies on relapse are not a best practice in supporting individuals in recovery and encourages licensees to develop thoughtful policies and procedures in this area.

The Department agrees that annual staff written performance reviews was unnecessarily burdensome and has removed the requirement from this section.

§ 717.18. *Training*

The Department adds this section to specify the licensee's requirement to develop written staff development policies and procedures, as well as training requirements for staff and volunteers.

Eleven commentators stated that the training requirements were unrealistic and unduly burdensome. Three commentators stated that time requirement for trainings should be condensed. One commentator stated that the cardiopulmonary resuscitation (CPR) training requirement was unnecessary, as houses may adequately rely on emergency medical services.

Four commentators suggested including an additional training requirement for naloxone administration and recognizing the signs of an overdose.

One commentator suggested that trainings should be completed earlier than 1 year after hiring due to staff turnover.

*Response*

In response to the comments about burdensome training requirements, the Department deleted the time requirements for 6 hours of HIV/AIDs training and 4 hours of tuberculosis and sexually transmitted disease training as well as the requirement for "other health-related disease topics" trainings. The Department deleted the requirement that one person trained in CPR and first aid must be onsite during the recovery house's hours of operation. CPR training, however, is still required for staff persons and volunteers due to the increased risk of overdose in this population.

The Department adds "training on overdose reversal medication" as part of "first aid training."

The Department shortened the time for staff and volunteers to complete the required training from 1 year to 90 days.

§ 717.19. *Resident rights*

The Department adds this section to describe what must be included in the licensee's policies and procedures on resident rights.

Two commentators suggested that residents should have to disclose their biological sex if their gender identity does not align with their sex assigned at birth. The reason is that fellow residents who have previously experienced trauma may be uncomfortable sharing a living space with a transgender individual.

*Response*

The specific provision in this final-omitted rulemaking is related to the licensee developing and implementing written policies and procedures on resident rights, which must include, among other things, that “the licensee may not discriminate against a resident on the basis of age, race, sex, religion, ethnic origin, economic status, sexual orientation or gender identity or expression or disability.” A wide range of situations may arise to the level of the house manager and licensee that could be perceived as threatening the comfort, safety and protection of all residents in the house. While a licensee may or may not have the means to provide for an LGBTQIA-friendly physical plant, such as single bedrooms and all-gender bathrooms, all residents must understand that the licensee may not discriminate against a resident, staff person or volunteer on the basis of gender identity. If there is discomfort among residents due to any range of situations, including a resident’s gender identity, the licensee must resolve it on a case-by-case basis in accordance with applicable policies and procedures.

§ 717.20. *Resident records*

The Department adds this section to specify contents and storage requirements for resident records.

One commentator asked for clarification of the term “standardized record form.”

Five commentators asked for more details about what information is required in the “medical history” record.

*Response*

The Department has deleted the requirement to obtain a “standardized record form” at the beginning of residency.

The Department has deleted the mention of a “medical and drug or alcohol history” in this section and now provides additional detail in § 717.22(b)(3). Medical history refers to “medical information provided by the resident, including allergies, asthma, seizure disorder, diabetes, pacemaker, and other medical conditions that the resident chooses to have the house record.”

§ 717.21. *Resident roster*

The Department adds this section to specify the contents and storage requirements for the drug and alcohol recovery house’s resident roster. The resident roster must identify the date of each resident’s beginning and end of residency or completion of residency by meeting a resident’s treatment, personal or financial goals or social-emotional or other needs. This information must be stored in a locked cabinet or in a protected digital data system, and must be maintained for each resident for at least 4 years following their ending or completion of residency.

§ 717.22. *Beginning of residency*

The Department adds this section to specify policy and procedure requirements for beginning of residency.

One commentator requested that the Department add inclusion criteria for establishing a waitlist as part of this final-omitted rulemaking.

One commentator suggested that each new admitted resident sign a contract stating that the resident must follow treatment recommendations, undergo mandatory and random drug screens, follow a plan if they relapse, and other items as deemed appropriate.

*Response*

Licensees may establish their own criteria for a waitlist as part of the policies and procedures for their recovery house.

As part of the process of beginning residency, residents must undergo orientation to “drug and alcohol recovery house rules” under subsection (b)(2)(i). If the licensee sets specific rules, these may be part of the resident document signed within 24 hours of arrival.

§ 717.23. *Notification of decision to end residency*

The Department adds this section to specify requirements for notifying residents of a licensee’s decision to end their residency. A licensee’s decision to end residency should be based on criteria under § 717.22(a)(3) (relating to beginning of residency). A resident may also decide to end their residency without providing a reason to the licensee.

Two commentators were concerned about the legal ramifications of using the term “eviction.”

One commentator stated that a timeframe for ending a residency should be detailed in the policy because many residents may be far from their original hometowns. Two commentators suggested that ending residency should be immediate if the individual relapses.

*Response*

The Department deletes the term “eviction” throughout this final-omitted rulemaking and replaced with “ending residency.”

The Department updates subsection (a) to require that a notice of ending residency “include the reason and a timeframe.”

§ 717.24. *Medication control and self-administration*

The Department adds this section to specify requirements for policies and procedures on the use of prescription and over-the-counter medications by residents.

Four commentators asked if the policies and procedures on the use of prescription and over-the-counter medications would include specific language requiring admission of individuals who receive medication-assisted treatment (MAT).

Two commentators stated that residents will administer their own medications, as there is no way for the recovery house to track this information.

*Response*

Licensed recovery houses that receive funds or referrals from the Department, or a Federal, State or other county agency may not discriminate against individuals who receive MAT or any other form of treatment. Under § 717.19(a)(6) (relating to residents rights), “Residents may attend a treatment facility of their choice outside of the drug and alcohol recovery house. The licensee may not require a resident to attend or prohibit a resident from attending a specific treatment facility.”

This final-omitted rulemaking does not prohibit residents from administering their own medications. The licensee must “develop and implement written policies and procedures on the use of prescription and over-the-counter medications by residents,” which included both



“self-administration and drug and alcohol recovery house tracking of medication for residents who take medication.” To eliminate confusion, the Department deletes the requirement that drug and alcohol recovery houses develop and implement policies and procedures for tracking medication.

§ 717.25. *Financial transactions*

The Department adds this section to require policies and procedures for resident fee collection by drug and alcohol recovery house staff. This section also describes requirements for recovery house licensees that assist a resident in financial matters, while affording the resident protection from financial exploitation.

One commentator requested a provision about residents forfeiting their security deposits if they break house rules or leave the house without following proper protocols.

*Response*

The Department adds the word “due” to subsection (a)(2): “Documentation that the drug and alcohol recovery house returned all deposits due to the resident when the resident departed the drug and alcohol recovery house, signed and dated by the licensee and resident.”

§ 717.26. *Complaint management*

The Department adds this section to describe requirements for policies and procedures to manage complaints from residents, family members, and community members.

Two commentators suggested that community members filing a complaint may be problematic because not all communities are welcoming to recovery houses.

*Response*

The Department understands that not all communities and neighbors may be welcoming to recovery houses. A mechanism is still needed, however, for both the recovery house as well as the Department to receive any complaints from residents, family members and community members. Clear policies and procedures will be important to ensure that complaints are managed properly.

§ 717.27. *Notification to family member or emergency contact*

The Department adds this section to require licensees to develop policies and procedures for notifying the resident’s emergency contact of the resident’s hospitalization or death.

Two commentators suggested an additional policy be required to notify a resident’s emergency contact if the resident moves out or is absent for a prolonged period of time.

*Response*

There are a wide range of situations in which it may be appropriate for recovery house staff to notify a resident’s emergency contacts. The Department has clarified this requirement to say, “The licensee shall develop and implement written policies and procedures that specify the circumstances, including the resident’s hospitalization or death, for notifying the resident’s emergency contact.” The Department also requires the licensee to attempt to notify the resident’s emergency contact when the resident decides to end residency or does not return at the expected time in accordance with the act of June 30, 2021 (P.L. 186, No. 35), which added section 2319-A to the Administrative Code (71 P.S. § 613.19) and is commonly referred to as Justin’s Law.

§ 717.28. *Resident requirements*

The Department adds this section to require licensees to develop policies and procedures to require resident participation in treatment and abstention from use and sale of alcohol and illicit drugs. The drug and alcohol recovery house should develop policies and procedures that support attendance and participation in treatment and compliance with any clinical treatment plans and recommendations during residency.

§ 717.29. *Physical plant standards*

The Department adds this section to describe physical plant requirements for drug and alcohol recovery house licensure including compliance with the Americans with Disabilities Act of 1990 (Pub.L. No. 101-336), conditions of buildings and grounds, furnishings, bedrooms, bathroom, kitchens, and heating and cooling systems.

One commentator asked whether a mechanical dryer or paper towels are required in bathrooms and hand towels are not sufficient.

Two commentators stated the square footage requirements may reduce capacity.

Two commentators stated that fire-retardant mattresses would be cost-prohibitive.

*Response*

This final-omitted rulemaking now states that the licensee shall provide either individual towels, paper towels or a mechanical dryer in each bathroom.

The Department understands that square footage requirements may reduce the maximum occupancy for the recovery house. These requirements, however, are consistent with current regulations for residential facilities and comparable to other states with regulations for recovery houses to ensure health and safety of residents.

Since 2007, all mattresses manufactured and sold in the United States must meet minimum flammability standards developed by the U.S. Consumer Product Safety Commission (<https://www.cpsc.gov/Business—Manufacturing/Business-Education/Business-Guidance/Mattresses>). The Department does not agree that fire-retardant mattresses are excessively cost-prohibitive due to the range of mattress brands and models available.

§ 717.30. *Safety and emergency procedures*

The Department adds this section to specify requirements for safety and emergency procedures of the drug and alcohol recovery house, including evacuation of residents and staff, requirements for exits, and fire safety procedures.

Fourteen commentators stated that installing fire escapes would be too expensive. Nine commentators stated that it would not be possible to have two exits on every floor. Commentators who contacted the Department after the initial submission of the regulation stated that it would prohibit common activities, such as residents using laundry facilities in a home’s basement.

Ten commentators stated that certain renovations, such as exterior fire escapes, may not be permitted in certain townships.

*Response*

The Department understands that fire exit installation is costly. While the risk of a fire may be relatively low, the consequences of a fire can be devastating. According to the U.S. Fire Administration, the relative risk of dying in a fire in this Commonwealth is slightly higher than that



of the U.S. general population ([https://www.usfa.fema.gov/data/statistics/fire\\_death\\_rates.html](https://www.usfa.fema.gov/data/statistics/fire_death_rates.html)). Furthermore, several research studies have reported that a higher number of residents in a home is one of the factors that increases a risk for house fire the most—similar to smoking, having young children in the house, and having a building in poor condition. The purpose of providing regulations for recovery houses is to create standards for the safety and protection of this vulnerable population in this Commonwealth. Therefore, the Department believes it is necessary to require two exits in the event of a fire. The regulation initially submitted required a minimum of two exits on every floor to which the residents have access. In response to comments received after the regulation was initially submitted, the Department changed this final-omitted rulemaking to require a minimum of two exits on every floor where there is a resident bedroom. The Department also changed this final-omitted rulemaking to require that fire exit equipment must be securely affixed to the house. Retractable or drop-down fire ladders, fire escapes or other types of exits that are attached to the house in at least one point will meet this requirement.

If there is a situation in which required renovations are in direct conflict with local requirements, the Department will consider waiver requests on a case-by-case basis.

A recovery house must have at least one portable fire extinguisher with a minimum of an ABC rating for every 2,000 square feet of space and fraction of it on each floor. A floor with 2,000 square feet or less would need one fire extinguisher. A floor with 2,001 square feet would need two fire extinguishers: one for the 2,000 square feet of space and an additional fire extinguisher for the additional fraction of space in excess of 2,000 square feet.

#### § 717.31. Unusual incidents

The Department adds this section to specify requirements for policies and procedures to respond to and document unusual incidents that occur at the drug and alcohol recovery house. Unusual incidents involving physical or sexual assault by a staff, a volunteer or a resident must be documented regardless of whether they occur on or off site of the recovery house.

One commentator stated that reporting the use or sale of illicit drugs on the premises as an “unusual incident” was too strong and recommended changing this provision to “continued” or “repeated use.”

One commentator stated that an unusual incident report should also be filed with a contracting entity, such as a Single County Authority, if applicable.

IRRC asked which contagious diseases must be reported to the CDC and whether the Department will require reporting under the Disease Prevention and Control Law of 1955 (35 P.S. §§ 521.1—521.21).

#### Response

The Department gives discretion to the licensee to determine its own policies and procedures for responding to the provision of use of illicit drugs on the premises of the recovery house. The only unusual incidents that must be reported to the Department, however, include assault, death or serious injury, natural disaster, an event that requires the presence of first responders or disease outbreak. See § 717.31(c).

This final-omitted rulemaking requires only that the Department as the licensing agency receive unusual incident reports. A licensee may include additional reporting to Single County Authorities in its policies.

In response to IRRC’s comments, the Department adds subsection (d), which requires reporting to other agencies as required by applicable law, including the Disease Prevention and Control Law of 1955. The diseases that must be reported to the CDC are listed on the CDC web site at <https://ndc.services.cdc.gov/>. The Department will provide notice to licensees if it learns that they must access that list of reportable diseases elsewhere.

#### § 717.32. Complaints about drug and alcohol recovery houses

The Department adds this section to describe how the Department will accept and manage complaints about drug and alcohol recovery houses from individuals. The Department will accept and investigate anonymous complaints. The Department will honor requests by complainants who provide their names and contact information to remain anonymous to the extent it is able. The Department may have to provide that information if it is required by law, such as in response to a subpoena or as ordered by a court. Any complaints that allege a direct threat to the health or safety of a resident will be investigated by the Department within 2 business days.

#### § 717.33. Drug and alcohol recovery house registry

The Department adds this section to describe how the Department will create and maintain its registry of licensed drug and alcohol recovery houses. As required by section 2315-A of the Administrative Code, the registry shall be updated annually, though the Department will update more frequently, including timely removal of drug and alcohol recovery houses with revoked licenses. The public will be able to view the name, address, contact information, maximum occupancy, licensure status and any other information the Department determines is in the public interest. If an entity operates more than one drug and alcohol recovery license but does not license all of them, the registry will clearly identify licensed houses.

#### Affected Individuals and Organizations

This final-omitted rulemaking affects persons, businesses, and organizations that operate drug and alcohol recovery houses. However, this final-omitted rulemaking applies only to those drug and alcohol recovery houses that receive or wish to receive funds or referrals from the Department, or a Federal, State or county agency. In 2018, the Department created an online listserv for recovery houses. Approximately 600 individuals have stated through the listserv their intent to seek licensure, with some individuals operating several houses.

#### Accomplishments and Benefits

The final-omitted rulemaking establishes the minimum requirements for licensure of recovery houses in this Commonwealth that receive funds or referrals from the Department, or a Federal, State or other county agency. These requirements will increase the quality and accountability of recovery houses and the services they provide and improve the health and safety of individuals on their path to recovery.

#### Fiscal Impact

Drug and alcohol recovery houses will pay a license application or renewal fee of \$250 per house. They may incur additional costs to meet standards for compliance with the physical plant requirements in this final-omitted rulemaking. These costs will vary based upon the current status of the residence. Drug and alcohol recovery houses will also need to obtain the services of an independent certified public accountant to audit activities of management of funds in accordance with standard accounting

practices every 2 years. According to the National Council of Nonprofits, “it is not unusual for an independent audit to cost \$10,000” (<https://www.councilofnonprofits.org/nonprofit-audit-guide/what-is-independent-audit>).

The Department estimates it will incur approximately \$341,411 in annual administrative costs during the first year, and \$323,411 during subsequent years, to implement this final-omitted rulemaking. Administrative costs include hiring two Drug and Alcohol Licensing Specialists and one Drug and Alcohol Licensing Specialist Supervisor, as well as costs associated with operation and fixed assets, which includes workstations, computers, software, telephones and lease space. If each of the approximately 600 parties who stated interest through the listserv files one or more applications, the \$250 application fee will generate at least \$150,000 in revenue. Remaining personnel costs will be covered by State funds, as well as a Federal block grant awarded to the Department.

*Paperwork Requirements*

The licensee of a drug and alcohol recovery house must obtain the services of an independent certified public accountant for a financial audit of the drug and alcohol recovery house’s operations every 2 years. Recordkeeping of personnel files must include application/resume for employment, a Pennsylvania State Police criminal history record check, any disciplinary actions and documentation of training. Recordkeeping of resident files must include a consent to residency form, referrals (if applicable) and beginning of residency documentation (criteria for residency, signed orientation paperwork, and basic personal, medical, and emergency contact information). Resident records must be maintained for at least 4 years following the ending or completion of residency. Licensees will have to develop and maintain policies and procedures as required by this final-omitted rulemaking. Furthermore, the regulated community must maintain a resident roster that identifies each beginning and end of residency, and completion of residency.

The Department will have additional paperwork, including a recovery house licensing checklist, a drug and alcohol recovery house licensing application, a license renewal form and a provisional license form. For payment of the \$250 application, renewal and provisional license fee, an online credit card payment system will be available for licensees.

*Public Comment*

Although this final-omitted rulemaking is being adopted without publication as a proposed rulemaking, interested persons are invited to submit written comments, suggestions or objections regarding this final-omitted rulemaking to Jordan Lewis, Policy Director, Department of Drug and Alcohol Programs, 2601 North 3rd Street, Harrisburg, PA 17110, (717) 736-7466, [jorlewis@pa.gov](mailto:jorlewis@pa.gov). Comments will be reviewed and considered for any subsequent revision of this final-omitted rulemaking.

*Sunset Date*

There is no sunset date for this final-omitted rulemaking.

*Effective Date*

This final-omitted rulemaking will take effect upon publication in the *Pennsylvania Bulletin*, with the exception of § 717.14, which shall take effect 180 days after publication in the *Pennsylvania Bulletin*.

*Contact Person*

The agency contacts are Jordan Lewis, Policy Director, Department of Drug and Alcohol Programs, 2601 North 3rd Street, Harrisburg, PA 17110, (717) 736-7466, [jorlewis@pa.gov](mailto:jorlewis@pa.gov); and Jodi Skiles, Bureau Director, Program Licensure, 2601 North 3rd Street, Harrisburg, PA 17110, (717) 736-7454, [joskiles@pa.gov](mailto:joskiles@pa.gov).

*Regulatory Review Act*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on March 1, 2021, the Department originally submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Human Services Committee and Senate Health and Human Services Committee (Committees). On March 15, 2021, the Department withdrew and resubmitted the final-omitted rulemaking. The Department again withdrew the final-omitted rulemaking on April 9, 2021.

Under section 5.1(c) of the Regulatory Review Act, on June 14, 2021, the Department resubmitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Committees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506). IRRC met on August 24, 2021, at which time the regulation was disapproved. IRRC issued its disapproval order on September 4, 2021.

Under section 7(c) of the Regulatory Review Act (71 P.S. § 745.7(c)), on October 1, 2021, the Department delivered to IRRC and the Committees a revised final-omitted 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 October 21, 2021, and approved the final-omitted rulemaking. Under section 7.1(d) of the Regulatory Review Act (71 P.S. § 745.7(d)), the final-omitted rulemaking was deemed approved by the committees on November 4, 2021.

*Findings*

The Department finds that:

(1) Under section 204(3) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(3)) referred to as the Commonwealth Documents Law, a final-omitted rulemaking is allowed when procedures specified in sections 201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202), are “impracticable, unnecessary or contrary to the public interest.”

(2) Section 613.13 of the Administrative Code authorizes the Department to promulgate final-omitted regulations for the licensure of drug and alcohol recovery houses in this Commonwealth.

(3) The adoption of this final-omitted regulation is necessary and appropriate for the licensure of recovery houses in this Commonwealth.

*Order*

The Department, acting under authorizing statute, orders that:

(a) The regulations of the Department, 28 Pa. Code, are amended by adding §§ 717.1—717.33 to read as set forth in Annex A.

(b) The Department shall submit a copy of this final-omitted regulation to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Department shall submit this final-omitted regulation to IRRC and the House Human Services and Senate Health and Human Services Committees as required by law.

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

(e) This final-omitted regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*, with the exception of § 717.14, that shall take effect 180 days after publication in the *Pennsylvania Bulletin*.

JENNIFER S. SMITH,  
Secretary

(*Editor's Note:* See 51 Pa.B. 7019 (November 6, 2021) for IRRC's approval order.)

**Fiscal Note:** 74-4. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 28. HEALTH AND SAFETY

### PART V. DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

#### CHAPTER 717. STANDARDS FOR DRUG AND ALCOHOL RECOVERY HOUSE LICENSURE

Sec.	
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717.28.	Resident requirements.
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717.30.	Safety and emergency procedures.
717.31.	Unusual incidents.
717.32.	Complaints about drug and alcohol recovery houses.
717.33.	Drug and alcohol recovery house registry.

#### § 717.1. Scope.

(a) This chapter establishes the procedures for the issuance of a drug and alcohol recovery house license.

(b) This chapter provides standards for the licensure of a drug and alcohol recovery house under subarticle B of Article XXIII-A of The Administrative Code of 1929 (71 P.S. §§ 613.11—613.18).

#### § 717.2. Legal base.

The authority of the Department to license drug and alcohol recovery houses is established under section 2312-A of The Administrative Code of 1929 (71 P.S. § 613.12).

#### § 717.3. Definitions.

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

*Drug*—As defined in section 2 of the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-102).

*Drug and alcohol recovery house*—As defined in section 2311-A of The Administrative Code of 1929 (71 P.S. § 613.11).

*Full license*—A certificate issued by the Department when it has found a licensee in compliance with the requirements of this chapter.

*Illicit*—Unlawful for the person to possess under the laws of the Commonwealth of Pennsylvania.

*License*—A full or provisional certificate which indicates the Department has found a drug and alcohol recovery house to be in full or substantial compliance with the standards established under this chapter.

*Licensee*—A person, society, corporation, governing authority or partnership legally responsible for the administration and operation of a drug and alcohol recovery house to which the Department has issued a license.

*Provisional license*—A certificate issued by the Department when it has found the licensee in substantial but not complete compliance with the requirements of this chapter.

*Volunteer*—A person who assists in implementing daily program activities under the supervision of a project staff person or house manager without promise, expectation or receipt of compensation for services rendered.

#### § 717.4. Exceptions.

(a) The Department may in its discretion grant exceptions or extensions of time to this chapter upon a showing by a drug and alcohol recovery house that it meets the policy objectives of this chapter. The Department will not grant an exception that violates any statute.

(b) A drug and alcohol recovery house shall submit all requests for exceptions in writing.

#### § 717.5. Revocation of exceptions.

(a) The Department may revoke an exception granted under this chapter. The Department will provide a written notice of revocation that states the reason for the revocation and a specific date when the revocation will take effect.

(b) The Department will allow at least 30 days between the mailing date of the notice of revocation and the date of termination of an exception.

(c) A drug and alcohol recovery house may file a written appeal within 30 days of the mailing date of the notice of revocation of the exception.

#### § 717.6. Application and renewal.

(a) An applicant for an initial license shall submit to the Department all of the following for each drug and alcohol recovery house:

(1) An application on a form prescribed by the Department.

(2) A copy of all policies and procedures required under §§ 717.17—717.19, 717.22, 717.24—717.28, 717.30 and 717.31.

(3) An application fee of \$250.



(b) A licensee applying for renewal of a license shall submit to the Department all of the following for each drug and alcohol recovery house:

(1) An application on a form prescribed by the Department.

(2) A copy of all policies and procedures required under §§ 717.17—717.19, 717.22, 717.24—717.28, 717.30 and 717.31 that have been revised since the previous application.

(3) A renewal fee of \$250.

(c) The Department will assess a fee of \$250 in addition to the fees in subsections (a) and (b) for each issuance of a provisional license under § 717.8 (relating to provisional licensure).

(d) The Department will assess a fee of \$100 in addition to the fees in subsections (a), (b) and (c) for issuance of a provisional license under § 717.8 based on a violation cited as a result of a complaint investigation. The Department may waive or reduce the fee under this subsection when the licensee fully implements an approved plan of correction.

(e) The Department will not issue or renew a license until the applicant or licensee has completed and submitted all forms, documents, and fees required under this section.

**§ 717.7. Full licensure.**

(a) The Department will issue a full license to operate the drug and alcohol recovery house when it determines, after an on-site inspection by an authorized representative of the Department, that the applicant or licensee has met the requirements for licensure under this chapter.

(b) The Department will issue a full license to an applicant or licensee and will indicate the name of the drug and alcohol recovery house, the address and the date of issuance.

(c) The full license shall expire 1 year following the date it is issued.

(d) The drug and alcohol recovery house shall display the current license in a public and conspicuous place in the drug and alcohol recovery house.

**§ 717.8. Provisional licensure.**

(a) The Department will issue a provisional license, valid for a specific time period of no more than 6 months when the Department finds that a drug and alcohol recovery house:

(1) has substantially, but not completely, complied with applicable requirements for licensure.

(2) is complying with a course of correction approved by the Department; and

(3) has existing deficiencies that will not adversely alter the health, welfare or safety of the residents.

(b) Within 15 working days of receipt of the deficiency report, the applicant or licensee shall submit a plan to correct deficiencies noted during the site visits.

(c) The Department will not renew a provisional license more than three times.

(d) The Department will issue a full license upon compliance with this part and receipt of the \$250 renewal fee.

(e) The drug and alcohol recovery house shall display the current license in a public and conspicuous place in the drug and alcohol recovery house.

**§ 717.9. Restriction on license.**

(a) A license applies to the licensee, the named drug and alcohol recovery house and the premises designated in the license and is not transferable prior to proper and timely notification as provided under subsection (b).

(b) The licensee, using Department forms, shall notify the Department within 90 days of the occurrence of any of the following conditions:

(1) Change in ownership.

(2) Change in name of the drug and alcohol recovery house.

(3) Change in location of the drug and alcohol recovery house.

(4) Change in maximum occupancy.

(5) Closing of the drug and alcohol recovery house.

(c) Failure to notify the Department as required under subsection (b) will result in automatic expiration of the license.

**§ 717.10. Right to enter and inspect.**

(a) An authorized representative of the Department has the right to enter, visit and inspect a drug and alcohol recovery house licensed or applying for a license under this chapter.

(b) The authorized Department representative shall have full and free access to the records of the drug and alcohol recovery house and its residents.

(c) The authorized Department representative has the right to interview residents as part of the visitation and inspection process.

**§ 717.11. Notification of deficiencies.**

(a) The Department will provide written notice to the applicant or licensee of any noncompliance with regulations, along with instructions for the applicant or licensee to submit and complete a plan to correct the noncompliance.

(b) The applicant or licensee shall complete and submit the plan to correct the noncompliance in accordance with the instructions to the Department within 15 working days after the site visit.

(c) The Department will not renew a license until it has approved a plan of action. The Department will not issue a license to an applicant until the applicant has corrected all noncompliance.

**§ 717.12. Refusal or revocation of license.**

(a) The Department may revoke or refuse to issue a license for any of the following reasons:

(1) Failure to comply with a directive issued by the Department.

(2) Violation of, or noncompliance with, this chapter.

(3) Failure to comply with a plan of correction approved by the Department, unless the Department approves an extension or modification of the plan of correction.

(4) Gross incompetence, negligence or misconduct in the operation of the drug and alcohol recovery house.

(5) Fraud, deceit, misrepresentation or bribery in obtaining or attempting to obtain a license.

(6) Lending, borrowing or using the license of another drug and alcohol recovery house.



(7) Knowingly aiding or abetting the improper granting of a license.

(8) Mistreating or abusing residents at the drug and alcohol recovery house.

(9) Continued noncompliance in disregard of this part.

(10) Operating a drug and alcohol recovery house that, by nature of its physical condition, endangers the health and safety of the public.

(b) If the Department proposes to revoke or refuse to issue a license, it will give written notice to the applicant or licensee by certified mail, stating the following:

(1) The reasons for the proposed action.

(2) The specific time period for the drug and alcohol recovery house to correct deficiencies.

(c) If the drug and alcohol recovery house does not correct the deficiencies within the specified time, the Department will officially notify the applicant or licensee that it shall show cause why its license should not be denied or revoked under 1 Pa. Code § 35.14 (relating to orders to show cause), and that it has a right to a hearing authorized by the Department on this question. The applicant or licensee shall file a written request within 30 days of receipt of the show cause order.

(d) Subsection (c) supplements 1 Pa. Code § 35.14.

#### § 717.13. Hearings.

(a) The Department will convene and conduct a show cause hearing for a drug and alcohol recovery house under 1 Pa. Code § 35.37 (relating to answers to orders to show cause) and this chapter.

(b) An administrative hearing held under this section will be conducted under 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(c) The Department may institute legal proceedings to enforce compliance with this chapter.

(d) This section supplements 1 Pa. Code Part II.

#### § 717.14. Fines.

(a) The Department will impose fines on the operator of an unlicensed recovery house in accordance with section 2316-A(a) of The Administrative Code of 1929 (71 P.S. § 613.16(a)).

(b) For purposes of a violation under section 2316-A(a) of The Administrative Code of 1929, each day of operating a drug and alcohol recovery house that requires a license without a current license shall constitute a separate violation.

#### § 717.15. House manager.

(a) The licensee shall designate a house manager to be the administrator of the drug and alcohol recovery house who is responsible for the management of the drug and alcohol recovery house, staff and volunteers.

(b) The licensee shall identify the house manager in the application submitted to the Department and shall notify the Department in writing any time the house manager changes within 30 days.

(c) The house manager shall complete at least 6 hours of training in one or more of the following areas within 6 months of becoming house manager, and annually thereafter:

(1) Fiscal policy.

(2) Administration.

(3) Program planning.

(4) Quality assurance.

(5) Program licensure.

(6) Personnel management.

(7) Confidentiality.

(8) Ethics.

(9) Trends in drug use and misuse.

(10) Developmental psychology.

(11) Interaction of addiction and mental illness.

(12) Cultural awareness.

(13) Sexual harassment.

(14) Relapse prevention.

(15) Substance use disorders.

(16) Peer support or mutual aid groups.

(17) Best practices for medication control and self-administration.

(18) Infection control.

#### § 717.16. Fiscal management.

The licensee shall develop and implement written policies and procedures for management of all funds received and expended by the drug and alcohol recovery house in accordance with standard accounting practices, including an itemized record and documentation of all revenues and expenditures.

#### § 717.17. Personnel management.

(a) The licensee shall develop and implement written personnel policies and procedures in compliance with State and Federal employment laws, including:

(1) The Pennsylvania Human Relations Act (43 P.S. §§ 951—963).

(2) Title VII of the Civil Rights Act of 1964, (Pub.L. No. 88-352).

(3) Title I of the Americans with Disabilities Act of 1990, (Pub.L. No. 101-336).

(4) The Age Discrimination in Employment Act of 1967, (29 U.S.C.A. §§ 621—634).

(b) The written policies and procedures must include all of the following:

(1) Use of volunteers.

(2) Rules of conduct.

(3) Supervision of staff.

(4) Orientation of new employees.

(5) Prohibition on providing or using alcohol or illicit drugs on the premises of the drug and alcohol recovery house, including consequences for a violation of the policy.

(6) Relapse of recovering staff and volunteers, including consequences for a violation of the policy.

(7) Completion of a Pennsylvania State Police criminal history record check for the house manager, all staff and volunteers before engaging in work at the drug and alcohol recovery house.

(c) The licensee shall maintain a personnel record for the house manager and each staff person and volunteer, which must include all of the following:

(1) Application or resume.

(2) A Pennsylvania State Police criminal history record check.

(3) Disciplinary actions.

(4) A written job description for each drug and alcohol recovery house position.

(5) Documentation of training.

**§ 717.18. Training.**

(a) The licensee shall develop and implement written staff development policies and procedures that identify the person responsible and the time frames for completion of all of the following:

(1) An assessment of training needs for each staff person and volunteer.

(2) A plan for addressing those needs.

(3) A mechanism to collect feedback on completed training.

(b) The licensee shall conduct and document an evaluation of the training plan annually.

(c) In addition to training identified and provided under subsection (a), staff persons and volunteers shall complete all of the following within 90 days of becoming an employee or volunteer:

(1) Cardiopulmonary resuscitation (CPR) certification.

(2) First aid training, including training on overdose reversal medication.

(3) HIV/AIDS, tuberculosis and sexually transmitted diseases training using a Department approved curriculum.

(4) Fire prevention and emergency preparedness, including use of a fire extinguisher.

**§ 717.19. Resident rights.**

(a) The licensee shall develop and implement written policies and procedures on resident rights which must include all of the following:

(1) Residents shall retain all civil rights that have not been specifically curtailed by separate judicial or administrative determination by the appropriate legal authority.

(2) The licensee may not discriminate against a resident on the basis of age, race, sex, religion, ethnic origin, economic status, disability, sexual orientation or gender identity or expression.

(3) Residents have the right to inspect their own records.

(4) Residents have the right to request the correction of information in their records on the basis that it is inaccurate, irrelevant, outdated or incomplete.

(5) Residents have the right to submit a rebuttal to information in their records.

(6) Residents may attend a treatment facility of their choice outside of the drug and alcohol recovery house. The licensee may not require a resident to attend or prohibit a resident from attending a specific treatment facility.

(b) The licensee shall obtain written acknowledgement by residents that they have received notice of their rights.

**§ 717.20. Resident records.**

(a) The licensee shall maintain an individual record for each resident which must include all of the following:

(1) All records obtained under § 717.22 (relating to beginning of residency).

(2) Consent to residency form.

(3) Referrals to and from the drug and alcohol recovery house, if applicable.

(b) The licensee shall keep hard copy resident records in a locked cabinet and secure digital resident records on a protected data system.

(c) The licensee shall maintain resident records, regardless of format, for at least 4 years following the ending or completion of residency.

(d) If the licensee discontinues operation of a drug and alcohol recovery house, it shall notify the Department where it will store resident records.

**§ 717.21. Resident roster.**

(a) The licensee shall maintain a resident roster that identifies the date of each resident's beginning and end or completion of residency.

(b) The licensee shall maintain the information in subsection (a) on the resident roster for each resident for at least 4 years following the ending or completion of residency.

(c) The licensee shall store physical copies of the resident roster in a locked cabinet or secure digital copies of the resident roster in a protected data system.

(d) A licensee that discontinues operation of a drug and alcohol recovery house shall notify the Department where it will store the resident roster.

**§ 717.22. Beginning of residency.**

(a) The licensee shall develop and implement written policies and procedures for beginning of residency which include all of the following:

(1) Residency criteria.

(2) Requirements for completion of residency by meeting a resident's treatment, personal or financial goals or social-emotional or other needs.

(3) Criteria for ending residency before completion under paragraph (2), including a timeline.

(b) The licensee shall complete all of the following documentation, which must be signed by the resident, within 24 hours of arrival:

(1) Disclosure to the resident of criteria for beginning and ending residency.

(2) Resident orientation to the drug and alcohol recovery house which must include all of the following:

(i) Drug and alcohol recovery house rules, including a method to record residents' expected return time to the drug and alcohol recovery house.

(ii) Fee schedule including any lease agreement.

(iii) Supports provided by the drug and alcohol recovery house, as well as referrals to other essential services as needed.

(iv) Financial policies and procedures.

(v) The location of posted emergency procedures and contact information for the house manager and the Department.

(vi) Medication control and self-administration policies.

(3) Basic personal data including:

(i) Name.

(ii) Birth date.

(iii) Demographic information.

(iv) Medical information provided by the resident, including allergies, asthma, seizure disorder, diabetes, pacemaker and other medical conditions that the resident chooses to have in the house record.

(v) Drug and alcohol history.

(vi) Medical contact information.

(vii) Emergency contact.

(4) Consent to residency.

(5) Disclosure to the resident of the recovery house's policies and procedures for situations when recovery house staff may notify the resident's emergency contact.

**§ 717.23. Notification of decision to end residency.**

(a) The licensee shall notify the resident in writing of a decision to end residency. The notice must include the reason and a timeframe for ending residency.

(b) The resident shall have an opportunity to request the licensee reconsider a decision to end residency before the decision to end residency takes effect.

(c) The resident may decide to end residency without providing a reason to the licensee.

**§ 717.24. Medication control and self-administration.**

The licensee shall develop and implement written policies and procedures on the use of prescription and over-the-counter medications by residents, which must include all of the following:

(1) Self-administration of medication for residents who take medication.

(2) Safe storage of medication by the drug and alcohol recovery house and residents and procedures to address loss, theft, abandonment or misuse of medications. The policy must provide that controlled substances stored at the drug and alcohol recovery house will be kept in a locked container.

(3) Safe disposal of unused, expired or abandoned medication, in accordance with Federal and State regulations.

(4) Emergency procedures if an adverse medication reaction or overdose occurs on premises. The licensee shall have and make available overdose reversal medication on the premises of the drug and alcohol recovery house at all times.

(5) Prohibition on sharing prescription medication.

**§ 717.25. Financial transactions.**

(a) The licensee shall develop and implement written policies and procedures to maintain a complete record of collection of fees, payments and deposits between the licensee, the drug and alcohol recovery house or its employees and the resident or on behalf of the resident in accordance with standard accounting practices. The record must include all of the following:

(1) All fee deposits, resident fees and other monetary transactions between the drug and alcohol recovery house and the resident.

(2) Documentation that the drug and alcohol recovery house returned all deposits due to the resident when the resident departed the drug and alcohol recovery house, signed and dated by the licensee and resident.

(b) The licensee shall develop and implement written policies and procedures that prohibit the licensee, staff,

volunteers or contractors of the drug and alcohol recovery house from all of the following:

(1) Requiring a resident to sign a document relinquishing the resident's public assistance benefits, including medical assistance benefits, cash assistance, Supplemental Security Income and Supplemental Nutrition Assistance Program benefits.

(2) Requiring a resident to surrender cash or sign over a paycheck.

(3) Borrowing money from a resident or lending money to a resident.

(4) Buying property from a resident or selling property to a resident.

(5) Directly or indirectly soliciting or accepting a commission, fee or anything of monetary or material value from residents, other related individuals, third-party entities or referral sources, beyond specified rent established in writing at the time of residency.

(c) Residents maintain the right to manage their own personal finances.

(d) A licensee may assist a resident in managing the resident's finances, budgeting and spending. The following apply:

(1) The licensee shall keep a record of financial transactions in accordance with standard accounting practices, including the dates, amounts of deposits, amounts of withdrawals and the current balance.

(2) The licensee shall disburse resident funds during normal business hours within 24 hours of the resident's request.

(3) The licensee shall obtain a written receipt from the resident for cash disbursements at the time of disbursement.

(4) The licensee shall only use resident funds and property for the resident's benefit.

(5) The licensee may not commingle resident funds and house funds.

(6) If the licensee is holding more than \$200 for a resident for more than 2 consecutive months, the licensee shall notify the resident and offer assistance in establishing an interest-bearing account in the resident's name at a local Federally-insured financial institution. This does not include security deposits.

(7) The licensee, staff, volunteers or contractors shall not be assigned power of attorney or guardianship of a resident or a resident's estate.

(8) The licensee shall maintain a copy of the itemized account in the resident's record.

(9) The licensee shall provide the resident the opportunity to review their own financial record upon request during normal business hours.

(e) The licensee shall establish a written agreement with a resident before assisting in managing the resident's finances. The following apply:

(1) The licensee and resident shall sign the agreement.

(2) The agreement must include all of the following:

(i) The financial assistance provided by the licensee.

(ii) The right of the resident to at least 30 days advance notice, in writing, of the licensee's request to change the agreement.

(iii) The right of the resident to rescind the agreement in writing.

(3) The licensee shall maintain a copy of the financial management services agreement in the resident's record.

**§ 717.26. Complaint management.**

The licensee shall develop and implement written policies and procedures for managing complaints from residents, family members and community members, which must include procedures for informing residents, family members and community members of the complaint process, including the ability to file a complaint with the Department.

**§ 717.27. Notification to family member or emergency contact.**

(a) The licensee shall develop and implement written policies and procedures that specify the methods and circumstances, including the resident's hospitalization or death, for notifying the resident's emergency contact with the resident's consent. The resident may revoke consent to provide notice to the emergency contact.

(b) The licensee shall make at least one attempt to notify the resident's emergency contact in accordance with subsection (a) immediately and in no event more than 12 hours after the resident decides to end residency or does not return to the drug and alcohol recovery house as expected. This subsection shall not apply if the licensee knows or has reason to know of allegations of domestic abuse on the resident by the emergency contact.

**§ 717.28. Resident requirements.**

The licensee shall develop and implement written policies and procedures that:

(1) promote and require that residents participate in treatment, self-help groups or other drug and alcohol recovery supports; and

(2) require that residents abstain from use and sale of alcohol and illicit drugs, and provide consequences for failure to abstain.

**§ 717.29. Physical plant standards.**

(a) *Compliance with applicable laws.*

The licensee shall follow applicable Federal, State and local laws and ordinances, including the Americans with Disabilities Act of 1990 (Pub.L. No. 101-336).

(b) *Building interior, exterior and grounds.*

(1) The licensee shall do all of the following:

(i) Keep the interior, exterior, and grounds or yard of the drug and alcohol recovery house clean, safe, sanitary and in good repair and free of hazards at all times.

(ii) Store all trash in noncombustible, covered containers that prevent the penetration of insects and rodents and remove all trash at least once each week.

(iii) Keep the drug and alcohol recovery house free of rodent and insect infestation.

(iv) Limit smoking to designated outside smoking areas.

(v) Keep exterior exits, stairs and walkways lighted at night.

(c) *Living rooms and lounges.*

(1) The licensee shall:

(i) provide at least one living room or lounge for the free and informal use by residents, their families and invited guests; and

(ii) maintain furnishings in a state of good repair.

(d) *Sleeping accommodations.*

(1) Each drug and alcohol recovery house bedroom must have all of the following:

(i) A bed in good repair with a solid foundation and fire-retardant mattress for each resident.

(ii) A pillow, sheets and other bedding in good condition and appropriate for the temperature in the drug and alcohol recovery house for each resident.

(iii) A storage area for clothing for each resident.

(iv) At least 60 square feet of floor space per resident measured wall to wall in each shared bedroom.

(v) At least 50 square feet of floor space per resident measured wall to wall in each shared bedroom with bunk beds. Bunk beds must meet all of the following requirements:

(A) Provide enough space in between each bed and the ceiling to allow a resident to sit up in bed.

(B) Be equipped with a securely attached ladder capable of supporting a resident.

(C) Be equipped with securely attached railings on each open side and open end of the bunk.

(vi) At least 70 square feet of floor space measured wall to wall in each single bedroom.

(vii) Direct access to a corridor or external exit.

(viii) Ventilation by operable windows or have mechanical ventilation.

(ix) A window with a source of natural light.

(2) A bedroom may not:

(i) be used as a means of egress from or access to another part of the drug and alcohol recovery house unless the bedroom is used as an exit under § 717.30(b)(2) (relating to safety and emergency procedures); or

(ii) contain the sole egress to a stairway or basement.

(3) Notwithstanding requirements in paragraph (1) and (2), bedrooms located in a basement must have all of the following:

(i) Wall, floor and ceiling coverings such as tile, linoleum, paneling or dry wall.

(ii) A protective fire wall between the bedroom and a furnace.

(iii) A direct means of egress from the basement to the outside.

(e) *Bathrooms.* The licensee shall do all of the following:

(1) Provide bathrooms to accommodate residents, staff, volunteers and guests.

(2) Provide a sink, a wall mirror, a soap dispenser and either individual towels, paper towels, or a mechanical dryer in each bathroom.

(3) Have hot and cold water under pressure. Hot water temperature may not exceed 120°F.



(4) Provide privacy in toilets by doors, and in showers and bathtubs by partitions, doors or curtains. There must be slip-resistant surfaces in all bathtubs and showers.

(5) Ventilate toilet and wash rooms by exhaust fan or window.

(6) Provide toilet paper at each toilet at all times.

(7) Maintain each bathroom in a functional, clean and sanitary manner at all times.

(f) *Kitchens.* The licensee shall do all of the following:

(1) Provide a kitchen area with capacity for residents to safely store food items and prepare meals. The kitchen area must include refrigerator, sink, stove, oven and cabinet space in a good state of repair.

(2) Ensure that storage areas for foods are free of food particles, dust and dirt.

(3) Ensure that refrigerators maintain cold food at or below 40°F and freezers maintain frozen food at or below 0°F.

(4) Ensure that food items are stored off the floor.

(g) *Heating and cooling.* The licensee:

(1) shall maintain an indoor temperature in the drug and alcohol recovery house between 65°F and 90°F at all times; and

(2) may not use or permit portable space heaters.

#### § 717.30. Safety and emergency procedures.

(a) *Policies and procedures.* The licensee shall develop and implement written policies and procedures for staff and residents to follow in an emergency which must include provisions for all of the following:

(1) The evacuation and transfer of residents, staff and volunteers to a safe location.

(2) Assignments of staff and volunteers during emergencies.

(3) The evacuation and transfer of residents impaired by alcohol or other drugs.

(4) Notification to the Department within 48 hours of a fire, other disaster or situation which affects the continuation of operations.

(b) *Exits.* The licensee shall do all of the following:

(1) Ensure that stairways, hallways and exits from rooms and from the drug and alcohol recovery house are unobstructed.

(2) Maintain a minimum of two unobstructed exits that are separated by a minimum distance of 15 feet on every floor that contains resident bedrooms. Equipment such as ladders and escapes located above the ground floor must be securely affixed to the house. Rooms, including resident bedrooms, that contain an exit must be unlocked and accessible to all residents in the event of an emergency.

(3) Maintain each ramp, interior stairway and outside steps exceeding two steps with a well-secured handrail and maintain each porch that has over an 18-inch drop with a well-secured railing.

(4) Clearly indicate exits.

(5) Light interior exits and stairs at all times.

(c) *Smoke and carbon monoxide detectors.*

(1) The licensee shall do all of the following:

(i) Maintain at least one operable, automatic smoke detector on each floor, including the basement and attic.

(ii) Maintain a smoke detector within 15 feet of each bedroom door on floors with resident bedrooms.

(iii) Repair inoperable smoke detectors within 48 hours.

(iv) Maintain carbon monoxide detectors in drug and alcohol recovery houses that have heating systems in which carbon monoxide is a byproduct of the heating system and in drug and alcohol recovery houses with attached garages. The carbon monoxide detector must be located within 15 feet of the carbon monoxide source, audible to drug and alcohol recovery house residents and maintained in an operable state.

(v) Inspect, test and document that all smoke detectors and carbon monoxide detectors are functional monthly.

(2) Each smoke detector and carbon monoxide detector must be of a type approved by the Department of Labor and Industry or by the Underwriters Laboratories and must provide both an audible and visual alerts.

(d) *Fire extinguishers.* The licensee shall do all of the following:

(1) Maintain at least one portable fire extinguisher with a minimum of an ABC rating for every 2,000 square feet of space and fraction of it on each floor.

(2) Maintain at least one portable fire extinguisher with a minimum of an ABC rating in each kitchen in addition to the fire extinguishers required under paragraph (1). The extinguisher in the kitchen must be located near an exit and away from the cooking area.

(3) Ensure fire extinguishers are inspected and approved annually by the local fire department or fire extinguisher company. The date of the inspection must be indicated on the extinguisher or inspection tag; the licensee shall replace or repair a fire extinguisher found to be inoperable within 48 hours.

#### § 717.31. Unusual incidents.

(a) The licensee shall develop and implement written policies and procedures to respond to all of the following unusual incidents:

(1) Physical assault or sexual assault by staff, a volunteer or a resident on or off the premises.

(2) Provision or use of illicit drugs on the premises.

(3) Death or serious injury due to trauma, suicide, medication error or unusual circumstances while residing at the drug and alcohol recovery house.

(4) Significant disruption due to disaster such as fire, storm, flood or other occurrence which closes the drug and alcohol recovery house for more than 1 day.

(5) Theft, burglary, break-in or similar incident at the drug and alcohol recovery house.

(6) Event at the drug and alcohol recovery house requiring the presence of police, fire or ambulance personnel.

(7) Fire or structural damage to the drug and alcohol recovery house.

(8) Outbreak of a contagious disease requiring Centers for Disease Control (CDC) notification.

(b) The licensee shall develop and implement written unusual incident policies and procedures which must include all of the following:

- (1) Documentation of the unusual incident.
- (2) Prompt review and identification of the direct and indirect causes of the unusual incident.
- (3) Implementation of a timely and appropriate plan of correction, when indicated.
- (4) Ongoing monitoring of the plan of correction.
- (c) The licensee shall file a written unusual incident report with the Department within 3 business days following an unusual incident involving:
  - (1) Physical or sexual assault by staff, a volunteer or a resident.
  - (2) Death or serious injury due to trauma, suicide, medication error or unusual circumstances.
  - (3) Fire, storm, flood or other occurrence that results in the closure of the drug and alcohol recovery house or the relocation of residents for more than 1 day.
  - (4) An event at the drug and alcohol recovery house requiring the presence of police, fire or ambulance personnel.
  - (5) Outbreak of a contagious disease requiring CDC notification.
  - (d) The licensee shall make reports to other boards and agencies as required by applicable law, including section 4(b) of the Disease Prevention and Control Law of 1955 (35 P.S. § 521.4).

**§ 717.32. Complaints about drug and alcohol recovery houses.**

- (a) The Department will accept complaints from any individual about drug and alcohol recovery houses that have or are required to have licenses.
- (b) An individual who submits a complaint may request to remain anonymous. The Department will disclose the individual's identity as required under law.
- (c) The Department:
  - (1) Will investigate complaints that allege a violation of subarticle B of Article XXIII-A of The Administrative Code of 1929 (71 P.S. §§ 613.11—613.18) or this chapter.
  - (2) May refer complaints that do not allege a violation of subarticle B of Article XXIII-A of The Administrative Code of 1929 (71 P.S. §§ 613.11—613.18) or this chapter to another Federal, State, or local agency or entity within 2 business days.
  - (3) Will report complaints that allege abuse, neglect or a criminal violation to law enforcement within 2 business days.
  - (d) The Department will assess complaints under subsection (c)(1) based on the degree of risk to residents' health or safety. The following apply:
    - (1) The Department will begin an investigation of a complaint that alleges a direct threat to the health or safety of a resident within 2 business days.
    - (2) The Department will begin an investigation of a complaint that does not allege a direct threat to the health or safety of a resident within 5 business days.
    - (e) The Department may conduct an announced or unannounced onsite inspection of any complaint under subsection (c)(1).

(f) The Department will provide a summary of its findings of an investigation of a complaint under subsection (c)(1) to the individual who made the complaint.

**§ 717.33. Drug and alcohol recovery house registry.**

- (a) The Department will create on its website and update at least annually a registry of licensed drug and alcohol recovery houses.
  - (b) The registry will include, for each licensed drug and alcohol recovery House, all of the following:
    - (1) The name of the licensee.
    - (2) The name of the drug and alcohol recovery house.
    - (3) The street address of the drug and alcohol recovery house.
    - (4) The contact information listed in the drug and alcohol recovery house's application under § 717.6 (relating to application and renewal).
    - (5) The drug and alcohol recovery house's maximum occupancy.
    - (6) Any other information the Department determines is in the public interest.
  - (c) The registry will:
    - (1) List whether each drug and alcohol recovery house has a full license, a provisional license, or is operating pending appeal of the revocation of its license.
    - (2) Contain a notice that not all drug and alcohol recovery houses must be licensed and that some licensees may operate both licensed and unlicensed drug and alcohol recovery houses.

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**Title 34—LABOR AND INDUSTRY**

**DEPARTMENT OF LABOR AND INDUSTRY**

**[ 34 PA. CODE CH. 111 ]**

**Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board**

The Workers' Compensation Appeal Board (Board) amends 34 Pa. Code Chapter 111, Subchapter B (relating to appeals), to streamline the disposition of appeals to the Board, as set forth in Annex A.

*Statutory Authority*

The Board promulgates these amendments under the authority contained in section 435(c) of the Workers' Compensation Act (act) (77 P.S. § 991(c)), which directs the Board to establish rules of procedure "...which are reasonably calculated to expedite the hearing and determination of appeals to the board and to insure full payment of compensation when due." Furthermore, section 506 of the Administrative Code of 1929 (71 P.S. § 186) provides authority for the promulgation of rules and regulations for departmental administrative boards, stating: "the several departmental administrative boards and commissions, are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions. . .[and] the distribution and performance of their business. . . ."

### *Background*

The Board is a departmental administrative board under section 401 of the act (77 P.S. § 701). The Board is established under sections 202, 207.1, 503 and 2208 of the Administrative Code of 1929 (71 P.S. §§ 62, 67.1, 183 and 568). The Board voted to adopt the proposed amendments on October 27, 2020. On August 6, 2021, the Board voted to adopt the final-form amendments in Annex A, which were unchanged from those in the proposed rulemaking.

The Board's regulations currently require oral argument in all appeals and cross appeals unless the parties agree to submission on briefs. See §§ 111.13(b) and 111.17(a) (relating to processing of appeals and cross appeals; and oral argument). Moreover, these regulations currently require the petitioner's brief to be filed at or before the date of the oral argument, while the respondent's brief is due 30 days after oral argument. See § 111.16(a) and (b) (relating to briefs: content and form and time for filing). The petitioner generally is the party seeking to review a ruling or decision by a workers' compensation judge, while the respondent is the party or parties in whose favor the matter was decided by the judge. See § 111.3(a) (relating to definitions) regarding the definitions of petitioner and respondent.

The current briefing and oral argument requirements significantly delay the consideration and disposition of appeals. Oral arguments are scheduled more frequently in major population areas and less frequently in other areas. As a result, there is greater delay in processing appeals from petitioners in less-populated areas where oral arguments are only held two or three times a year. Consequently, the appeal is not placed in line for decision until after the oral argument and the receipt of briefs. Under current practice, the Board's rules further permit oral request for extensions of the petitioner's brief at oral argument, § 111.16(c), thereby facilitating additional delay in case processing. A decrease in time to process an appeal will benefit all parties within the workers' compensation system. The average time for the Board to issue a decision was approximately 11.36 months in 2018, 12.28 months in 2019 and 11.20 months in 2020. Although timeliness has improved over the last several years, adjudication times can be shortened. A delay in issuing decisions can exact financial hardship on claimants and is at odds with the timeliness dictates of the act.

The present requirement for in-person oral argument in every case increases the Board's travel, lodging and meal expenses, as well as the parties' expenses to the extent that they or their attorneys must attend the arguments. Prior to the novel coronavirus (COVID-19) pandemic, the Board conducted six argument sessions a year in Philadelphia, Pittsburgh, Harrisburg and Scranton, and three argument sessions in Erie. Most of these sessions are for multiple days. The Board's travel costs for Fiscal Year 2018-2019, the last full year prior to the COVID-19 pandemic, totaled \$60,000, some of which can be greatly reduced, but more so, considerable in-office time can be saved by both Commissioners and litigant attorneys by allowing for electronic/virtual hearings in addition to in-person hearings. The developments in communication and computer technology, and the experience using that technology during the pandemic, have reduced the need for the Board members to meet in-person to hear arguments, discuss pending cases or circulate decisions for signature.

### *Compliance with Executive Order 1996-1*

The Board engaged in extensive public and stakeholder outreach during the drafting process. In 2017, the Depart-

ment of Labor and Industry (Department) sought stakeholder input as to a proposal to amend the regulations to (1) require both parties' briefs to be submitted before making a decision to schedule oral argument and use the briefs, not oral argument, to start the internal appellate review process; and (2) make oral arguments discretionary with the Board where necessary to address novel or complex legal issues, as is the practice in other Commonwealth appellate courts. Stakeholder input was solicited through the Workers' Compensation Committee of the Pennsylvania Bar Association and more widely from insurance carriers, attorneys, third-party administrators and self-insured employers through the Workers' Compensation Automation and Integration System (WCAIS), which is the enterprise vehicle by which all workers' compensation claims are filed, adjudicated, appealed and managed. Every workers' compensation employer, insurer (or self-insurer) and legal practitioner has access to and routinely uses WCAIS. In addition, the Department posted a general notice of the proposed rulemaking and the rationale for it on its web site, for which interested persons and organizations could submit comments, and also posted notice on the WCAIS home page for all WCAIS users. More than 50 comments were received, the vast majority of them in favor of these changes. The Workers' Compensation Rules Committee (established in 1978 by the Secretary of the Department of Labor and Industry for the purpose of obtaining comment on procedural rules governing the practice of workers' compensation) convened to provide input to the proposed oral argument procedures and approved the proposed rulemaking. The proposed rulemaking was presented to and discussed with the Pennsylvania Workers' Compensation Advisory Council established under section 447 of the act (77 P.S. § 1000.3).

In 2019, following additional coordination with key stakeholders, the Board determined that the humanitarian purposes of the act were better served by continuing to offer oral argument in every appeal, unless waived by the parties. In addition, the Board wishes to make better use of telecommunications to further streamline the appeal process. Accordingly, the amendments provide for oral argument, unless waived, at the earliest possible date following the close of the briefing schedule and authorize oral argument or by telephonic or electronic means. The proposed rulemaking was presented to members of the Pennsylvania Workers' Compensation Advisory Council for review and comment on March 23, 2020. The Deputy Secretary for Compensation and Insurance coordinated the proposed regulatory amendments with members of the Workers' Compensation Rules Committee on April 24, 2020. The Board voted to adopt the proposed rulemaking on October 27, 2020.

The proposed rulemaking was published at 51 Pa.B. 1019 (February 27, 2021). As a result, one written comment was received from Neil Dombrowski, Esquire, of The Dombrowski Group, as co-chair of the Pennsylvania Defense Institute Worker's Compensation Section. By correspondence dated April 28, 2021, the Independent Regulatory Review Commission (IRRC) advised that it had no objections, comments or recommendations to the proposed regulation.

On August 6, 2021, the Board voted to adopt the final-form amendments in Appendix A, which were unchanged from those in the proposed rulemaking.

### *Purpose*

This final-form rulemaking ensures that oral argument will be conducted after briefs are submitted, rendering argument more meaningful for the parties, as the Board



will have a better understanding of the issues at the time of argument. This final-form rulemaking permits arguments to be conducted either by telephone or other electronic means or in person, giving the Board the flexibility to timely schedule arguments regardless of the location of the parties. These changes will streamline the processing and disposition of appeals, reduce the time for decision in some cases, and achieve travel and time cost savings to both the Board and the parties.

*Affected Persons*

The persons affected by this final-form rulemaking include the Board's members and staff, attorneys practicing before the Board and parties to appeals filed with the Board. The parties in workers' compensation cases include injured employees, possibly their dependents in the case of a fatal injury, self-insured employers, employers typically represented by workers' compensation insurance companies and the Department's Bureau of Workers' Compensation representing special funds created under the act (77 P.S. §§ 101—1304).

*Fiscal Impact*

This final-form rulemaking is designed to reduce costs, through reduced travel costs and litigation expenses, and will not result in increased costs to the public or private sectors. Because the workers' compensation system is funded through assessments on workers' compensation insurance carriers and self-insured employers, any savings realized in the administration of the system may result in savings to the regulated community through lowered assessments. See section 446 of the act (77 P.S. § 1000.2) regarding creating the Workers' Compensation Administration Fund and providing for maintenance of the fund through an annual assessment.

*Summary of Final-Form Rulemaking*

§ 111.13. *Processing of appeals and cross appeals*

The minor final-form amendment to this section clarifies that the Board will issue a briefing schedule upon receipt of an appeal or cross appeal.

§ 111.16. *Briefs: content and form and time of filing*

The final-form amendments to this section address the time for filing briefs. This section is amended to require that the petitioner's brief be filed within 30 days of the acknowledgement of receipt of appeal by the Board, unless subsequent or cross appeals are filed. In the case of subsequent or cross appeals, the Board will issue a revised briefing schedule. The respondent's brief will be due 30 days after service of the petitioner's brief, or the due date of petitioner's brief, unless there are subsequent or cross appeals. A request for an extension of time to file a brief must indicate the other parties' position as to the request. This section is also amended to permit the Board to direct the filing of a supplemental brief.

The final-form amendments require that briefs filed with the Board include a summary of the argument, not to exceed one page.

§ 111.17. *Oral argument*

The final-form amendments to this section specifically authorize oral argument to be conducted by telephone or other electronic means. This section is amended to provide that argument will be scheduled following the close of the briefing schedule.

§ 111.18. *Decisions of the Board*

This section is amended to delete current subsection (b), which consists of an obsolete reference to section 441 of the Administrative Code of 1929 (71 P.S. § 151). Section 441 regarding the Workmen's Compensation Ap-

peal Board was repealed under the act of November 9, 2006 (P.L. 1362, No. 147) and replaced by section 401.2 of the act (77 P.S. § 710.1) regarding the Workers' Compensation Appeal Board.

*Responses to Comments*

The Board received one public comment regarding the proposed rulemaking. On behalf of the Pennsylvania Defense Institute Workers' Compensation Section, Neil Dombrowski, Esquire of The Dombrowski Group commented that an additional amendment should be added to § 111.17, to provide a specific rule permitting requests for en banc argument before the Board. However, the Board notes that en banc argument is currently permitted, and has been held by the Board at its discretion, under existing subsection (g) of § 111.17, which states that "[o]ral argument may be conducted before one or more members of the Board." As such, the Board does not believe that any further amendment to add a specific rule relating to en banc argument is required or necessary at this time.

IRRC advised that it had no objections, comments or recommendations to the proposed rulemaking.

Based on the comments received, the Board made no changes to the proposed amendments in this final-form rulemaking.

*Reporting, Record-keeping and Paperwork Requirements*

This final-form rulemaking does not require any new forms, and thus does not impose any additional reporting, recording or paperwork requirements on either the Commonwealth or the regulated community. The existing forms used by the Board to acknowledge appeals, notify parties of briefing requirements, and oral argument may require minor modification since briefs are due before any oral argument and oral argument may be conducted by teleconference or other electronic means.

*Sunset Date*

A sunset date is not appropriate for this final-form rulemaking. The Board will periodically monitor this final-form rulemaking and submit amendments as needed.

*Effective Date*

The final-form amendments to §§ 111.16(a), (b), (b.1) and (c), and 111.17(c) and (d), will be effective upon publication of a notice of effective date by the Secretary of the Department in the *Pennsylvania Bulletin*, following completion of the required system changes, which are necessary to accommodate these new procedures, to the Department's electronic appellate filing and notification process in WCAIS. The remainder of this final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

*Contact Person*

Persons who require additional information about this final-form rulemaking may submit inquiries to Kelly K. Smith, Acting Chief Counsel, 651 Boas Street, Harrisburg, PA 17121, fax (717) 787-1303, kellysmith@pa.gov.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 16, 2021, the Board submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 1019 (February 27, 2021), to IRRC and the Chairpersons of the House and Senate Labor and Industry Committees for review and comment.

Under Section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC and the House and Senate



Labor and Industry Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC. IRRC had no objections, comments or recommendations. The House and Senate Labor and Industry Committees did not comment.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 20, 2021, this final-form rulemaking was deemed approved by the House and Senate Labor and Industry Committees. Under sections 5(g) and 5.1(e) of the Regulatory Review Act, IRRC met on October 20, 2021, and approved this final-form rulemaking.

#### *Findings*

The Department finds that:

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

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

(3) The final-form rulemaking is necessary and appropriate for the efficient administration and adjudication of workers' compensation appeals under the authorizing statute.

#### *Order*

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

(a) The regulations of the Department, 34 Pa. Code Chapter 111, Subchapter B, are amended by amending §§ 111.13 and 111.16—111.18 to read as set forth in Annex A.

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

(c) The Board shall submit this final-form rulemaking to IRRC and the Legislative Standing Committees as required by law.

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

(e) Except as provided in paragraph (f), this final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

(f) The final-form amendments to §§ 111.16(a), (b), (b.1) and (c) and 111.17(c) and (d), will be effective upon publication of a notice of effective date by the Secretary of the Department in the *Pennsylvania Bulletin*, following completion of the required system changes, which are necessary to accommodate these new procedures, to the Department's electronic appellate filing and notification process in WCAIS.

ALFONSO FRIONI, Jr., Esq.,  
*Chairperson*  
*Workers' Compensation Appeal Board*

**Fiscal Note:** 12-105. (1) Worker's Compensation Administration Fund; (2) Implementing Year 2021-22 is \$1,475,000; (3) 1st Succeeding Year 2022-23 through 5th succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$3,013,867.90; 2019-20 Program—\$2,954,095; 2018-19 Program—\$2,925,834; (8) recommends adoption. The 2021-22 appropriation is able to absorb this increase.

## Annex A

### TITLE 34. LABOR AND INDUSTRY PART VII. WORKERS' COMPENSATION APPEAL BOARD

#### CHAPTER 111. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE BEFORE THE WORKERS' COMPENSATION APPEAL BOARD

##### Subchapter B. APPEALS

#### § 111.13. Processing of appeals and cross appeals.

(a) Upon receipt of an appeal or a cross appeal, the Board will acknowledge receipt to all parties.

(b) The Board will, in addition to acknowledging receipt of the appeal or the cross appeal, establish a briefing schedule and indicate that the appeal and the cross appeal will be scheduled for oral argument unless all parties agree to submission of the case on only briefs or record.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 33.31 (relating to service by the agency)

#### § 111.16. Briefs: content and form and time for filing.

(a) A brief on behalf of a petitioner shall be filed with the Board within 30 days of the date of the Board's acknowledgment of receipt of the appeal as set forth in § 111.13 (relating to processing of appeals and cross appeals) In the event subsequent appeals or cross appeals are filed, the Board will issue revised briefing schedules.

(b) A brief on behalf of a respondent shall be filed with the Board within 30 days after service of the petitioner's brief, or where petitioner fails to timely file a brief, within 30 days of the date the petitioner's brief was to be filed. In the event subsequent appeals or cross appeals are filed, the Board will issue a revised briefing schedule.

(b.1) The Board may direct the filing of a supplemental brief.

(c) Upon written request of a party directed to the Board, and with notice to all parties, the Board may extend the time for filing of the party's brief only for good cause shown. A party shall file a request to extend the time for filing a brief before the date set for filing that party's brief. The request shall indicate the position of the other parties with respect to the request.

(d) Briefs not filed with the Board in accordance with the schedule in this section or as modified by the Board under subsection (c) will not be considered and will result in disposition of the appeal without further notice or consideration of the brief of the party failing to comply with these deadlines or schedule.

(e) Briefs, except as otherwise allowed, shall consist of the following items, separately and distinctly set forth:

(1) A short statement of the questions involved.

(2) A statement of the facts by the petitioner, or counterstatement of the facts by the respondent.

(2.1) A summary of the argument, not to exceed one page.

(3) The argument.

(4) A short conclusion setting forth the precise relief sought.

(5) A proof of service as specified in § 111.1(e) (relating to filing, service and proof of service) insofar as applicable.

(f) (Reserved)

(g) Briefs shall be served on all parties.

(h) Subsections (a)—(g) supersede 1 Pa. Code §§ 31.15, 33.37, 35.212 and 35.221 and also supersede 1 Pa. Code Chapter 35, Subchapter F (relating to briefs).

**§ 111.17. Oral argument.**

(a) The Board will schedule oral argument in every appeal or cross appeal unless all parties to the appeal or the cross appeal, upon receiving the acknowledgment of appeal or cross appeal, indicate that no oral argument is requested, or that it is waived.

(b) The Board will hear oral argument on appeals and cross appeals according to a schedule prepared in advance for each calendar year. Oral argument may be conducted in Harrisburg, Philadelphia and Pittsburgh or other locations in this Commonwealth, or by telephonic or electronic means, as the Board may determine.

(c) Oral argument will be scheduled at the earliest possible date following the close of the briefing schedule.

(d) The Board will notify parties of the scheduling of oral argument as far in advance as possible of the argument date.

(e) Oral argument shall consist of a presentation, including rebuttal, if necessary, by the petitioner and respondent.

(f) A petitioner or respondent represented by counsel need not be present at oral argument.

(g) Oral argument may be conducted before one or more members of the Board.

(h) Subsections (a)—(g) supersede 1 Pa. Code §§ 33.51, 35.204, 35.214 and 35.221.

**§ 111.18. Decisions of the Board.**

(a) The decision of the Board on an appeal and a cross appeal shall be issued as promptly as possible following oral argument or the receipt of briefs, whichever occurs later.

(b) (Reserved)

(c) Decisions of the Board will be served on all parties and the judge from whose decision the appeal was taken.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 31.13, 31.14, 35.201—35.207 and 35.226.

[Pa.B. Doc. No. 21-2059. Filed for public inspection December 10, 2021, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CHS. 61, 63, 65, 67 AND 69 ]**

**Fishing**

The Fish and Boat Commission (Commission) amends Chapters 61, 63, 65, 67 and 69. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code). The amendments will establish a single, Statewide opening day for the regular season for trout.

*A. Effective Date*

This final-form rulemaking will go into effect on January 1, 2022.

*B. Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission’s web site at [www.fishandboat.com](http://www.fishandboat.com).

*C. Statutory Authority*

The amendments to §§ 63.3, 65.5, 65.6, 65.12, 65.14, 65.15, 65.19 and 65.20 are published under the statutory authority of 30 Pa.C.S. § 2102(a) (relating to rules and regulations). The amendments to §§ 61.1, 61.2 and 69.12a are published under the statutory authority of 30 Pa.C.S. § 2102(b). The amendment to § 67.2 (relating to refuge areas) is published under the statutory authority of 30 Pa.C.S. § 2306(a) (relating to refuge areas). The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of 30 Pa.C.S. § 2307(a) (relating to waters limited to specific purposes). The amendment to § 63.20 (relating to permits for the protection and management of trout and salmon) is published under the statutory authority of 30 Pa.C.S. § 2904(a) (relating to permits for the protection and management of particular fish). The amendment to § 65.26 (relating to extended trout season) is published under the statutory authority of 30 Pa.C.S. § 2102(b) and 2307(a).

Additionally, amendments to these sections are published under the statutory authority of section 506 of The Administrative Code of 1929 (71 P.S. § 186).

*D. Purpose and Background*

The specific purpose and background of the amendments are described in more detail under the summary of changes.

*E. Summary of Changes*

Under § 61.1 (relating to Commonwealth inland waters), the opening day of the regular season for trout begins at 8 a.m. on the first Saturday after April 11 and continues through midnight of Labor Day. This regulation was in place for all of this Commonwealth’s inland waters for many years and is a well-known, much anticipated tradition. However, on January 1, 2007, a new regulation went into effect under § 65.12 (relating to regional opening day of trout season). This regulation created a separate opening day for southeastern and southcentral counties where trout season opens at 8 a.m. on the first Saturday after March 28 and continues through midnight of Labor Day.

In late winter 2020, the novel coronavirus (COVID-19) pandemic reached this Commonwealth and on March 16, 2020, the Commonwealth eliminated most activities that were not considered essential for health and safety. Subsequently, there was substantial concern within the Commission that traditional stocking practices with large numbers of volunteers in close contact and traditional opening day crowds could lead to increased risk of virus transmission. As such, the decision was made to greatly accelerate trout stocking, eliminate the use of volunteers, deploy Commission staff from throughout the agency to perform the stockings, and announce the opening day without warning at 8 a.m. on Tuesday, April 7, 2020. This unheralded opening was designed to reduce crowding, and a single, Statewide opening day was employed to reduce cross-boundary travel between the Statewide and regional

opening day zones. In addition, public travel restrictions required more anglers to fish closer to home than they would under normal circumstances.

Planning for the 2021 trout stocking season began in early fall of 2020 in anticipation that COVID-19 restrictions and concerns about virus transmission may still be in effect. At the January 2021 quarterly Commissioners meeting, a single, Statewide opening day was established for 2021.

After experiencing 2 consecutive years of a single, Statewide opening day, staff identified an opportunity to further consider the efficacy of the current Commission regulations that provide for a regional opening day of trout season. An ad hoc committee with representatives from the bureaus of Fisheries; Hatcheries; Law Enforcement; Outreach, Education and Marketing; Administration; Policy and Planning; the Field Operations Deputy Executive Director; and Office of Chief Counsel for review was formed. The committee reviewed the history and summary of opening day designations for trout season. Following that review, the committee recommended the elimination of the regional opening day of trout season and a return to the more traditional single, Statewide opener. Staff believe that a single opening day simplifies regulations, reduces confusion among the angling public, lessens landowner issues in border counties, gives Statewide anglers at least an extra week of fishing opportunity and better allows businesses to plan for any sales surge.

The elimination of a regional opening day also requires minor amendments to various sections referencing trout season. As such, staff recommend reformatting the dates in regulations relating to trout season for clarification and simplification. Finally, consistent with the act of July 10, 2020 (P.L. 604, No. 56) staff recommend that any reference in the regulations to the trout/salmon permit be changed to trout permit.

During the public comment period, the Commission discovered the need for the following modifications to be reflected in this final-form rulemaking to effect the original intent of the proposed change: (1) For ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)—“(see Chapter 65)” is restored to the daily limit column pertaining to the extended season within the chart in § 61.1; (2) For ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)—“[and all waters downstream of stocked trout waters]” is removed from the seasons column pertaining to the extended season within the chart in § 61.1; and (3) The following language is restored to § 65.26, item (a) *General Rule*—“**except Class A wild trout streams where the creel limit is 0 and areas with special regulations.**” These changes do not change the intent of the proposed rulemakings previously published.

As a result of this final-form rulemaking, the Commission formally abandons the proposed amendments published at 51 Pa.B. 3140 (June 5, 2021).

The Commission therefore amends §§ 61.1, 61.2, 63.3, 63.20, 65.5, 65.6, 65.12, 65.14, 65.15, 65.19, 65.20, 65.24, 65.26, 67.2 and 69.12a to read as set forth in Annex A.

#### F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

#### H. Public Comments

A notice of proposed rulemaking was published at 51 Pa.B. 5672 (September 4, 2021). The Commission received a total of 23 public comments regarding the proposal: 16 support the proposal, 1 opposes the proposal and 6 comments do not pertain to the proposal.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided, and a total of 23 comments were received: 16 supported the proposal, 1 opposed the proposal and 6 comments did not pertain to the proposal.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapters 61, 63, 65, 67 and 69, are amended by amending §§ 61.1, 61.2, 63.3, 63.20, 65.5, 65.6, 65.12, 65.14, 65.15, 65.19, 65.20, 65.24, 65.26, 67.2 and 69.12a to read as set forth at Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: See 51 Pa.B. 7697 (December 11, 2021) and 51 Pa.B. 7703 (December 11, 2021) for additional amendments to § 65.24.)

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

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

(D) This order shall take effect on January 1, 2022.

TIMOTHY D. SCHAEFFER,  
Executive Director

**Fiscal Note:** Fiscal Note 48A-318 remains valid for the final adoption of the subject regulations.

#### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

#### § 61.1. Commonwealth inland waters.

\* \* \* \* \*

(d) Except as otherwise provided in this subpart, the following seasons, sizes and daily limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:



SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday in April to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations
	Extended Season: Stocked trout waters 12:01 a.m. day after Labor Day to midnight the third Monday in February of the following year.	7 inches	3 (combined species), except Class A wild trout streams, where the daily limit is 0, and areas with special regulations (see Chapter 65 (relating to special fishing regulations))
* * * * *			

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

(e) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
TROUT	8 a.m., the opening day of the regular season for trout to midnight, October 15	North of I-84: 14 inches	North of I-84: 1 (combined species)
		South of I-84: no minimum	South of I-84: 5 (combined species)
		West Branch Delaware River:* 12 inches	West Branch Delaware River:* 2 (combined species)
* * * * *			

\* A special no-kill artificial lures only season is in effect on the West Branch of the Delaware River from October 16 to midnight on the Friday before the opening day of the regular season for trout.

See § 65.24 (relating to miscellaneous special regulations).

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.3. Fishing in stocked trout waters.

It is unlawful to fish in stocked trout waters regulated under § 61.1 (relating to Commonwealth inland waters) from 12:01 a.m. on the third Monday in February to 8 a.m. on the opening day of the regular season for trout. As used in this subpart, the term “stocked trout waters” means waters that are stocked with adult trout by the Commission. A listing of stocked trout waters is published in the Commission’s “Summary of Fishing Regulations and Laws,” which is available from the Commission at Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000. The Executive Director or a designee may, from time to time, supplement or modify the list of stocked trout waters, and additions or deletions will be published in the *Pennsylvania Bulletin*.

§ 63.20. Permits for the protection and management of trout.

(a) *Finding.* The Commission finds under section 2904 of the code (relating to permits for the protection and management of particular fish) that it is necessary for the protection and management of trout in the waters of this Commonwealth that persons who fish for trout have a permit for that activity.

(b) *Permit required.* It is unlawful for a person required by Chapter 27 of the code (relating to fishing licenses) to procure a fishing license to fish for trout unless that person has first procured a valid trout permit or a combination trout permit and Lake Erie permit.

(c) *Exceptions.*

(1) The Commission will issue a trout permit without fee to disabled veterans who possess a free fishing license under section 2707 of the code (relating to disabled veterans).

(2) A person who is exempt from the fishing license requirements of Chapter 27 of the code or who is issued an institutional fishing license under section 2708 of the code (relating to institutional licenses) is exempt from this section.

(3) A person who purchased a senior resident lifetime fishing license and a trout permit or a combination trout permit and Lake Erie permit prior to January 1, 2015, shall be exempt from the requirements of this section.

(4) A trout permit is not required to fish for trout on free fishing days designated by the Commission under section 2709(d) of the code (relating to exemptions from license requirements).

(5) A trout permit is not required to fish for trout on Class A regulated fishing lakes. A trout permit is not required to fish for trout on designated Class B regulated fishing lakes that have the following characteristics:

(i) The lake is a natural pond or impoundment located wholly on private property and constructed and maintained wholly with private funds.

(ii) The lake is operated by a private club or organization.

(iii) The lake is not open for fishing by the general public, and fishing is restricted to members only.

(iv) The trout/salmon population of the lake is composed entirely of trout or salmon stocked from private



resources and contains no trout or salmon stocked by the Commission, the United States Government or cooperative nurseries recognized by the Commission.

(d) *Fish for trout or salmon.* A person fishes for trout or salmon when one of the following applies:

(1) The person fishes in waters under special trout regulations designated under those sections of Chapter 65 (relating to special fishing regulations) that require a trout permit, wilderness trout streams or their tributaries or Class A wild trout waters or their tributaries.

(2) The person fishes in streams or rivers that are stocked trout waters as defined in § 63.3 (relating to fishing in stocked trout waters) or their tributaries during the period from 12:01 a.m. on the third Monday in February until midnight May 31.

(3) The person takes, kills or possess, while in the act of fishing, a trout or salmon on or in waters of this Commonwealth or boundary waters.

## CHAPTER 65. SPECIAL FISHING REGULATIONS

### § 65.5. Catch and release artificial lures only.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release. The designation of waters as catch and release shall be effective when the waters are posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in areas designated and posted catch and release except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only constructed of metal, plastic, rubber or wood or with flies and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited.

(2) No trout may be killed or had in possession.

(3) Open to fishing year-round.

(4) Wading is permitted unless otherwise posted.

(5) Taking of bait fish or fish bait is prohibited.

(6) A current trout permit is required.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in effect for the water from which taken, provided that the boat angler floats through the catch and release area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the catch and release area.

### § 65.6. Delayed harvest artificial lures only areas.

(a) The Executive Director, with the approval of the Commission, may designate waters as delayed harvest, artificial lures only areas. The designation of waters as delayed harvest, artificial lures only areas shall be effective when the waters are posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted delayed harvest, artificial lures only areas except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only constructed of metal, plastic, rubber or wood or with flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear.

(2) The use or possession of any natural bait, bait fish, fish bait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.

(3) Minimum size is: 9 inches, caught on, or in possession on, the waters under regulation.

(4) The daily creel limit is: three combined species except during the period after Labor Day and before June 15 when the daily limit shall be zero trout combined species, caught on or in possession on the waters under regulation.

(5) Taking of bait fish or fish bait is prohibited.

(6) A current trout permit is required.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the delayed harvest artificial lures only area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the delayed harvest artificial lures only area.

### § 65.12. Regional opening day of trout season.

(a) The Executive Director, with the approval of the Commission, may designate waters in certain regions as part of the regional opening day of trout season. The designation of waters as part of the regional opening day of trout season shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) (Reserved).

(c) (Reserved).

(d) (Reserved).

(e) (Reserved).

### § 65.14. Catch and release fly-fishing only.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release fly-fishing only. The designation of waters as catch and release fly-fishing only shall be effective when the waters are posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated and posted as catch and release fly-fishing only except in compliance with the following requirements:

(1) Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials so long as all flies are constructed in a normal fashion with components wound on or about the hook or hooks. Use or possession of any other lures or substances is prohibited.

(2) Fishing shall be done with tackle which is limited to fly rods, fly reels and fly line with leader material or monofilament line attached. Spinning, spincast and casting rods and reels are prohibited.

(3) No trout may be killed or had in possession.

(4) Open to fishing year-round.

(5) Taking of baitfish or fishbait is prohibited.

(6) Wading is permitted unless otherwise posted.

(7) A current trout permit is required.

(c) Notwithstanding the requirements of this section an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the catch and release fly-fishing only area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the catch and release fly-fishing only area.

**§ 65.15. Catch and release all-tackle.**

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release all-tackle. The designation of waters as catch and release all-tackle shall be effective when the waters are posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated and posted catch and release all-tackle except in compliance with the following requirements:

- (1) There are no tackle restrictions.
- (2) No trout may be killed or had in possession.
- (3) Open to fishing year-round; there is no closed season.

(4) A current trout permit is required.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the catch and release all-tackle area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the catch and release all-tackle area.

**§ 65.19. Stocked trout waters open to year-round fishing.**

(a) The Executive Director, with the approval of the Commission, may designate waters as stocked trout waters open to year-round fishing. The designation of waters as stocked trout waters open to year-round fishing shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as stocked trout waters open to year-round fishing except in compliance with the following seasons and size and creel limits. It is not a violation of this section if a trout is immediately returned unharmed to the waters from which it is taken.

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. of the opening day of the regular season for trout to midnight Labor Day	7 inches	5 (combined species)
	Extended Season: 12:01 a.m. day after Labor Day to midnight the third Monday in February of the following year	7 inches	3 (combined species)
	12:01 a.m. the third Monday in February to 8 a.m. the opening day of the regular season for trout	NO HARVEST—Catch and immediate release only	

(c) It is unlawful to fish in rivers and streams designated as stocked trout waters open to year-round fishing without a current trout permit. A trout permit is not required to fish in lakes and ponds that have been designated as stocked trout waters open to year-round fishing unless the person takes, kills or possesses, while in the act of fishing, a trout or salmon on or in these waters.

**§ 65.20. Mentored Youth Fishing Day Program.**

(a) The Executive Director may annually designate Mentored Youth Fishing Days. As part of the designation, the Executive Director will identify the species, waters, dates, creel and minimum size limits and other applicable limitations. The designation will be effective upon publication of a notice in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as part of the Mentored Youth Fishing Day Program except in compliance with the following requirements when participating in the Mentored Youth Fishing Day Program:

- (1) Anglers shall adhere to the limitations as established by the Executive Director by notice in the *Pennsylvania Bulletin*.
- (2) An angler 16 years of age or older shall be accompanied by a youth, less than 16 years of age, who has

obtained a mentored youth permit or a voluntary youth fishing license from the Commission.

(3) A youth angler shall obtain a mentored youth permit or a voluntary youth fishing license from the Commission and be accompanied by an angler 16 years of age or older.

(4) A current trout permit is required for an angler 16 years of age or older when participating in a Mentored Youth Fishing Day Program that relates to trout.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the water designated as part of the Mentored Youth Fishing Day Program without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the water designated as part of the Mentored Youth Fishing Day Program.

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

## RULES AND REGULATIONS

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
Centre and Mifflin	Penns Creek, from the confluence of Elk Creek downstream 7 miles to 600 meters downstream of Swift Run	Open to fishing year-round. All tackle types are permitted. From 8 a.m. on the opening day of the regular season for trout through Labor Day—the daily creel limit for trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed. From the day after Labor Day until 8 a.m. on the opening day of the regular season for trout, no trout may be killed or possessed. Inland regulations apply to all other species. This miscellaneous special regulation will remain in effect until further notice.
* * * * *		
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	Trout (all species)—no closed season. Daily limit: opening day of the regular season for trout until Labor Day—5 trout per day; day after Labor Day to opening day of the regular season for trout of the following year—3 trout per day. Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number.
* * * * *		
Luzerne	Harveys Lake	During the period from the opening day of the regular season for trout through midnight the third Monday in February, the daily creel limit for trout (combined species) is 3, only one of which may exceed 18 inches in length. Warmwater/coolwater species, except as provided in this section—Inland regulations apply.
* * * * *		
Somerset, Fayette, Westmoreland and Allegheny	Youghiogheny River from confluence with Casselman River downstream to the confluence with Ramcat Run Youghiogheny River from the pipeline crossing at the confluence with Lick Run downstream to the mouth of the river.	Trout (all species)—no closed season. Daily limit: opening day of the regular season for trout until Labor Day—5 trout per day; day after Labor Day to opening day of the regular season for trout of the following year—3 trout per day. Inland regulations apply to warmwater/coolwater species.
Warren	Allegheny River—8.75 miles downstream from the outflow of the Allegheny Reservoir to the confluence with Conewago Creek	Trout—minimum size limit—14 inches; daily creel limit—2 trout per day (combined species) from 8 a.m. on the opening day of the regular season for trout through midnight Labor Day, except during the period from the day after Labor Day to the opening day of the regular season for trout of the following year, when no trout may be killed or had in possession. Other inland seasons, sizes and creel limits apply.

County	Name of Water	Special Regulations
* * * * *		
Washington	Little Chartiers Creek from Canonsburg Lake Dam approximately 1/2 mile downstream to mouth of Chartiers Creek	Fishing is prohibited from 12:01 a.m. the third Monday in February to 8 a.m. the opening day of the regular season for trout.
Wayne	West Branch Delaware River	Trout: From the Pennsylvania/New York border downstream to the confluence with the East River Branch of the Delaware River: no-harvest artificial lures only season on trout from October 16 until midnight of the Friday before the opening day of the regular season for trout. During the no-harvest artificial lures only season: 1. Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood, or flies or
		streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited. 2. The daily creel limit for trout is 0.
* * * * *		

§ 65.26. Extended trout season.

(a) *General rule.* The extended trout season is in effect from the day after Labor Day until the third Monday in February of the following year on stocked trout waters. A creel limit of three trout per day and a minimum size limit of 7 inches apply during this season, except Class A wild trout streams where the creel limit is 0 and areas with special regulations.

\* \* \* \* \*

**CHAPTER 67. NURSERY WATER**

§ 67.2. Refuge areas.

\* \* \* \* \*

(b) Refuge areas are closed to public fishing except during the period from June 15 until the third Monday in February of the following year.

\* \* \* \* \*

**CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES**

**Subchapter B. SPORT FISHING AND ANGLING**

§ 69.12a. Special regulations applicable to Lake Erie tributary streams.

\* \* \* \* \*

(c) From 12:01 a.m. on the day after Labor Day, until the opening day of the regular season for trout of the following year, all Lake Erie tributary streams are closed to fishing from 10 p.m. until 5 a.m. on the following day except for Walnut Creek north of Manchester Road Bridge and Elk Creek north of Route 5.

\* \* \* \* \*

[Pa.B. Doc. No. 21-2060. Filed for public inspection December 10, 2021, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CHS. 61, 63, 65 AND 69 ]**

**Fishing**

The Fish and Boat Commission (Commission) amends Chapters 61, 63, 65 and 69. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code). The amendments will simplify regulations pertaining to black bass, while improving their management and optimizing the fishery for this species group.

*A. Effective Date*

This final-form rulemaking will go into effect on January 1, 2022.

*B. Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

*C. Statutory Authority*

The amendments to §§ 61.1, 61.2 and 69.12 (relating to Commonwealth inland waters; Delaware River, West Branch Delaware River and River Estuary; and seasons, sizes, and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters) are published under the statutory authority of 30 Pa.C.S. § 2102(b) (relating to rules and regulations). The amendments to §§ 63.43 and 65.9 (relating to fishing for bass during spring season; and big bass) are published under the statutory authority of 30 Pa.C.S. § 2102(a). The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of 30 Pa.C.S. § 2307(a) (relating to waters limited to specific purposes).



Additionally, amendments to these sections are published under the statutory authority of section 506 of The Administrative Code of 1929 (71 P.S. § 186).

#### D. Purpose and Background

The specific purpose and background of the amendments are described in more detail under the summary of changes.

#### E. Summary of Changes

Commission staff have identified an opportunity to simplify regulations pertaining to black bass (that is, largemouth bass, smallmouth bass, and spotted bass) while improving upon black bass management and optimizing the fishery for that species group. A modification to black bass regulations pertaining to the start and end of seasons, creel and minimum size limits, and uniformity among resources categories (that is, lakes, rivers and streams) would allow anglers to interpret regulations more easily. As such, amendments to §§ 61.1, 65.9, 65.24 and 69.12 are warranted.

Current Commonwealth inland waters angling regulations require catch and immediate release of black bass from 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11. Black bass seasons defined in Commonwealth inland waters regulations are also incorporated in other special regulations or watershed-specific regulations, or both, requiring changes to multiple regulations specific to the management of black bass throughout this Commonwealth. Additionally, black bass daily creel and minimum size limits are not consistent among lakes, rivers and streams, which can lead to regulatory confusion by anglers.

For these reasons, Commission staff recommend amendments to Commonwealth inland waters regulations specific to black bass. In doing so, amendments to seasons as defined in big bass regulations, miscellaneous special regulations and Lake Erie basin regulations are also warranted to establish regulatory consistency. This slight modification to seasons is expected to have minimal impact to both general angling for black bass as well as tournaments. Additionally, aligning black bass daily creel and minimum size limits for waters managed under the Commonwealth inland waters regulations eliminates regulatory complexity, while continuing to provide adequate protection to the resource.

During the public comment period, the Commission discovered the need for the following modifications to be reflected in this final-form rulemaking: (1) The row for American Shad has been included in the table for § 61.1 to reflect the removal of an asterisks—"AMERICAN SHAD[ \* ]\*\*," (2) The row for Hickory Shad has been included in the table for § 61.1 to reflect the removal of an asterisks—"HICKORY SHAD[ \* ]\*\*," and (3) The row for River Herring has been included in the table for § 61.1 to reflect the removal of an asterisks—"RIVER HERRING (alewife and blueback herring)[ \* ]\*\*."

The Commission therefore amends §§ 61.1, 61.2, 63.43, 65.9, 65.24 and 69.12 to read as set forth in Annex A.

#### F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

#### H. Public Comments

A notice of proposed rulemaking was published at 51 Pa.B. 5679 (September 4, 2021). The Commission received a total of two public comments regarding the proposal: both comments did not pertain to the proposal.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided, and a total of two comments were received: both comments did not pertain to the proposal.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapters 61, 63, 65 and 69, are amended by amending §§ 61.1, 61.2, 63.43, 65.9, 65.24 and 69.12 to read as set forth at Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's Note:* See 51 Pa.B. 7691 (December 11, 2021) for additional amendments to §§ 61.1 and 61.2.)

(*Editor's Note:* See 51 Pa.B. 7691 (December 11, 2021) and 51 Pa.B. 7703 (December 11, 2021) for additional amendments to § 65.24.)

(*Editor's Note:* See 51 Pa.B. 7704 (December 11, 2021) for additional amendments to § 69.12.)

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

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

(D) This order shall take effect on January 1, 2022.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-320 remains valid for the final adoption of the subject regulation.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

#### § 61.1. Commonwealth inland waters.

\* \* \* \* \*

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
* * * * *			
AMERICAN EEL	Open year-round	9 inches	25
BASS—Largemouth and Smallmouth and Spotted	January 1 to midnight the day before the second Saturday in April and October 1 to midnight December 31*	15 inches	4 (combined species)
	12:01 a.m. the second Saturday in April to 12:01 a.m. the second Saturday in June	NO HARVEST—Catch and immediate release only (No Tournaments Permitted)	
	12:01 a.m. the second Saturday in June to midnight September 30	12 inches	6 (combined species)
AMERICAN SHAD**	Open year-round	No minimum	3
HICKORY SHAD**	Closed year-round	No minimum	0
GIZZARD SHAD	Open year-round	No minimum	50
RIVER HERRING (alewife and blueback herring)**	Open year-round	No minimum	50
* * * * *			

\* Note: Stocked trout waters are closed to all fishing from the third Monday in February to the second Saturday in April.

\*\* Note: Unlawful to take, catch or kill American shad, hickory shad and river herring (alewife and blueback herring) in Susquehanna River and its tributaries. See § 61.4 and 61.7 (relating to Conowingo Reservoir; and Susquehanna River and tributaries).

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

\* \* \* \* \*

(e) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
* * * * *			
BASS Largemouth Smallmouth	January 1 to midnight the day before the second Saturday in April and 12:01 a.m. the second Saturday in June to midnight December 31	12 inches	5 (combined species)
	12:01 a.m. the second Saturday in April to 12:01 a.m. the second Saturday in June	NO HARVEST—Catch and immediate release only	
* * * * *			

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.43. Fishing for bass during spring season.

(a) During the period from 12:01 a.m. on the second Saturday in April until 12:01 a.m. on the second Saturday in June:

\* \* \* \* \*

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.9. Big bass.

\* \* \* \* \*

(b) It is unlawful to take, catch, kill or possess a largemouth, smallmouth or spotted bass on or in designated “big bass” waters except in compliance with the following seasons and size and creel limits. It is not a violation of this section if the bass is immediately returned unharmed to the waters from which it was taken.

<i>Seasons</i>	<i>Size (in)</i>	<i>Creel Limit</i>
<i>Lakes:</i> January 1 to midnight the day before the second Saturday in April and 12:01 a.m. the second Saturday in June to midnight December 31	15	4 (combined species)
12:01 a.m. the second Saturday in April to 12:01 a.m. the second Saturday in June	NO HARVEST—Catch and immediate release only	
<i>Rivers and Streams:</i> January 1 to midnight the day before the second Saturday in April and October 1 to midnight December 31	18	2 (combined species)
12:01 a.m. the second Saturday in April to 12:01 a.m. the second Saturday in June	NO HARVEST—Catch and immediate release only	
12:01 a.m. the second Saturday in June to midnight September 30	15	4 (combined species)

\* \* \* \* \*

§ 65.24. **Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

\* \* \* \* \*

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
Clarion	Beaver Creek Ponds	Closed to fishing from 12:01 a.m. January 1 to 12:01 a.m. the second Saturday in June of each year. Bass—15 inch minimum size limit and a 2 bass daily creel limit for the total project area. Panfish (combined species) 10 fish daily creel limit for the total project area. Other species-inland regulations apply.
* * * * *		
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam, including all tributaries to a point 1/2 mile upstream from the confluence	<p>Bass (Smallmouth and Largemouth)—No harvest year-round—catch and immediate release only.</p> <p>From 12:01 a.m. the second Saturday in April to 12:01 a.m. the second Saturday in June—No Bass tournaments.</p> <p>Remainder of the year—Catch-measure-immediate release tournaments only.</p> <p>It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.</p>

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth, including all tributaries to a point 1/2 mile upstream from the confluence	<p>Bass (Smallmouth and Largemouth)—No harvest year-round—catch and immediate release only.</p> <p>From 12:01 a.m. the second Saturday in April to 12:01 a.m. the second Saturday in June—No Bass tournaments.</p> <p>Remainder of the year—Catch-measure-immediate release tournaments only.</p> <p>It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.</p>
* * * * *		

**CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES**

**Subchapter B. SPORT FISHING AND ANGLING**

**§ 69.12. Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters.**

\* \* \* \* \*

(f) Except as otherwise provided in subsection (d) and (e) and this subpart, the following seasons, sizes and creel limits apply to Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
* * * * *			
BASS Largemouth Smallmouth	January 1 to second Saturday in April and second Saturday in June until December 31.	15 inches	4 (combined species)
	Second Saturday in April until second Saturday in June.*	20 inches	1
* * * * *			

\* It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to fishing tournaments and fishing derbies)) for bass on Lake Erie, Lake Erie tributaries or Presque Isle Bay during the period from the second Saturday in April until the second Saturday in June.

\* \* \* \* \*

[Pa.B. Doc. No. 21-2061. Filed for public inspection December 10, 2021, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CH. 65 ]**

**Fishing; Special Fishing Regulations**

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code). The amendments update the harvest requirements

relating to all-tackle trophy trout slot limit and artificial lures only trout slot limit regulations.

**A. Effective Date**

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

**B. Contact Person**

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission’s web site at [www.fishandboat.com](http://www.fishandboat.com).



### C. Statutory Authority

The addition of §§ 65.4c and 65.4d (relating to all-tackle trout slot limit; and artificial lures only trout slot limit) are published under the statutory authority of 30 Pa.C.S. § 2102(a) (relating to rules and regulations) and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

### D. Purpose and Background

The specific purpose and background of the amendments are described in more detail under the summary of changes.

### E. Summary of Changes

To address landowner and angler feedback, increase the abundance of large wild brown trout in the population, and provide the opportunity to use all tackle types and harvest some trout, a new miscellaneous special regulation regarding slot limit was established on Penns Creek, Section 03, beginning January 1, 2014, in § 65.24 (relating to miscellaneous special regulations). The slot limit regulation allows for year-round fishing, use of all tackle types, and the harvest of two trout per day that are at least 7 inches but less than 12 inches in length, from the opening day of trout season through Labor Day, with no harvest permitted the remainder of the year.

Penns Creek, Section 03, provided a unique opportunity to evaluate a new special regulation on a productive limestone stream. The Penns Creek trout population was monitored before and after implementation of the slot limit regulation. Results of the monitoring revealed a substantial increase in the electrofishing catch rates of larger brown trout (greater than or equal to 16 inches in length) during the slot limit regulation implementation period (2014–2019). These results suggest that the slot limit regulation likely played an important role in the increased electrofishing catch of large brown trout in Section 03. In addition to fishery independent monitoring, staff conducted an angler use, harvest and opinion survey to evaluate the social aspects of the regulation change and estimate angler harvest in 2019. Results documented low harvest of trout during the survey and high angler support for continuance of the slot limit regulation. Despite low angler harvest under the current slot limit regulation, this regulation provides the opportunity for anglers to harvest intermediate-sized trout if desired, which was an important social consideration when the regulation was originally implemented.

Given the success of the experimental slot limit regulation program on Penns Creek, Section 03, and potential opportunities to utilize this regulation at other suitable wild trout waters in the future, staff recommend that the Commission establish a new special regulation program to be known as trout slot limit. The trout slot limit will have two subprograms: the all-tackle trout slot limit program and the artificial lures only trout slot limit program. These subprograms will provide the Commission with the ability to select the most appropriate tackle option to achieve biological and social objectives for each water considered for inclusion in the program and provide an opportunity to evaluate the effects of different terminal tackle types.

During the public comment period, the Commission discovered the need for a grammatical revision to § 65.4d(b)(2) to preserve the original intent. Accordingly, the semi-colon after “only” is removed.

The Commission therefore adds §§ 65.4c and 65.4d to read as set forth in Annex A.

### F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

### G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

### H. Public Comments

A notice of proposed rulemaking was published at 51 Pa.B. 5683 (September 4, 2021). The Commission received a total of five public comments regarding the proposal: three support the proposal, and two comments did not pertain to the proposal.

### Findings

The Commission finds that:

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

(2) A public comment period was provided, and a total of five comments were received: three supported the proposal, and two comments did not pertain to the proposal.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

### Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by adding §§ 65.4c and 65.4d to read as set forth in Annex A.

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

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

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

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-317 remains valid for the final adoption of the subject regulations.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 65. SPECIAL FISHING REGULATIONS

#### § 65.4c. All-tackle trout slot limit.

(a) The Executive Director, with the approval of the Commission, may designate waters as all-tackle trout slot limit. The designation of waters as all-tackle trout slot limit shall be effective when the waters are posted after publication of a notice of the designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted all-tackle trout slot limit areas except in compliance with all of the following requirements:

- (1) Open to fishing year-round.
- (2) All tackle types are permitted.

(3) From 8 a.m. on the opening day of the regular season for trout through Labor Day, the daily creel limit of trout is two (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed.

(4) From the day after Labor Day until 8 a.m. on the opening day of the regular season for trout, no trout may be killed or possessed.

- (5) A current trout permit is required.

(c) This section applies to trout only. Inland regulations apply to all other species.

**§ 65.4d. Artificial lures only trout slot limit.**

(a) The Executive Director, with the approval of the Commission, may designate waters as artificial lures only trout slot limit. The designation of waters as artificial lures only trout slot limit shall be effective when the waters are posted after publication of a notice of the designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted artificial lures only trout slot limit areas except in compliance with all of the following requirements.

- (1) Open to fishing year-round.

(2) Fishing may be done with artificial lures only constructed of metal, plastic, rubber or wood; or with flies and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly-fishing gear. Use or possession of other lures or substances is prohibited.

(3) From 8 a.m. on the opening day of the regular season for trout through Labor Day, the daily creel limit of trout is two (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed.

(4) From the day after Labor Day until 8 a.m. on the opening day of the regular season for trout, no trout may be killed or possessed.

- (5) Taking of baitfish or fishbait is prohibited.

- (6) A current trout permit is required.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the artificial lures only trout slot limit area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the artificial lures only trout slot limit area.

[Pa.B. Doc. No. 21-2062. Filed for public inspection December 10, 2021, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CH. 65 ]**

**Fishing; Special Fishing Regulations**

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment removes Leaser Lake from the Commission's list of waters managed under miscellaneous special regulations.

**A. Effective Date**

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

**B. Contact Person**

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

**C. Statutory Authority**

The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

**D. Purpose and Background**

The specific purpose and background of the amendment is described in more detail under the summary of changes.

**E. Summary of Changes**

Leaser Lake, a 117-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lynn Township, Lehigh County, approximately 20 miles west-northwest of the City of Allentown. The dam impounds two unnamed tributaries to Ontelaunee Creek at river mile 0.38 upstream from its confluence with Ontelaunee Creek. This reservoir was completely dewatered in 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred in 2013 and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2020, with select fish species to establish a high quality, warmwater and coolwater fishery.

Since 2013, Leaser Lake has been managed with miscellaneous special regulations in § 65.24 that allow for the harvest of trout under Commonwealth Inland Waters angling regulations, but no harvest of other fish species. The intent of these temporary regulations is to facilitate rapid development of the warmwater and coolwater fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the special regulation and moved to one or more of the Commission's existing regulation programs.

The black bass and panfish populations were evaluated from 2016 through 2020 to monitor progress towards development of a high quality, warmwater and coolwater fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. As such, it is recom-

mended that Leaser Lake be removed from miscellaneous special regulations in favor of management with the Commission's existing warmwater regulation programs that allow for limited harvest of warmwater and coolwater fish. Upon removal of this regulation, Leaser Lake may be proposed for designation into § 65.9 (relating to big bass) or § 65.11 (relating to panfish enhancement), or both. Additionally, Leaser Lake may be considered for inclusion in § 65.19 (relating to stocked trout waters open to year-round fishing). To facilitate transition of Leaser Lake to the big bass, panfish enhancement or stocked trout waters open to year-round fishing programs, this water must first be removed from the miscellaneous special regulations. Other fish species will be managed by angling regulations under § 61.1 (relating to Commonwealth inland waters).

The Commission therefore amends § 65.24 to read as set forth in the proposed rulemaking published at 51 Pa.B. 3139 (June 5, 2021).

#### F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

#### H. Public Comments

A notice of proposed rulemaking was published at 51 Pa.B. 3139. The Commission did not receive any public comments regarding the proposal.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided, and the Commission did not receive any public comments.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 51 Pa.B. 3139.

(*Editor's Note:* See 51 Pa.B. 7691 (December 11, 2021) and 51 Pa.B. 7697 (December 11, 2021) for additional amendments to § 65.24.)

(B) The Executive Director will submit this order and 51 Pa.B. 3139 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 51 Pa.B. 3139 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-312 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-2063. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [ 58 PA. CODE CH. 69 ]

#### Sport Fishing and Angling

The Fish and Boat Commission (Commission) amends Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code). The amendment will simplify regulations pertaining to the Lake Erie basin while improving salmonid management and improving the fishery for that species group.

#### A. Effective Date

This final-form rulemaking will go into effect on January 1, 2022.

#### B. Contact Person

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

#### C. Statutory Authority

The amendment to § 69.12 (relating to seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters) is published under the statutory authority of 30 Pa.C.S. § 2102(b) (relating to rules and regulations) and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

#### D. Purpose and Background

The specific purpose and background of the amendment is described in more detail under the summary of changes.

#### E. Summary of Changes

The Commission has identified an opportunity to simplify regulations pertaining to the Lake Erie basin while improving upon salmonid management and optimizing the fishery for that species group. A modification to regulations applied to trout and salmon to align with a proposed amendment to § 61.1 (relating to Commonwealth inland waters) regulations pertaining to the start of the trout season would allow anglers to more easily identify when fishing and harvest are permitted. Current regulations prohibit fishing and possession of trout and salmon from 12:01 a.m. on the Friday before the first Saturday after April 11 until 8 a.m. on the first Saturday after April 11. If the proposed amendments to the Commonwealth inland waters regulations were to be adopted, it would result in one Statewide opening day of regular season for trout on the first Saturday in April. To better align these regulations to those of the Lake Erie basin § 69.12 could be amended to prohibit fishing and possession of trout and salmon from 12:01 a.m. on the Friday



before the first Saturday in April until 8 a.m. on the opening day of regular season for trout (that is, the first Saturday in April).

In addition to regulation simplification and alignment, a modification to the daily creel and minimum size limits for rainbow trout (steelhead) and a modification to the minimum size limits for lake trout would potentially enhance angling opportunities for those species. Current daily creel limits allow for the harvest of five fish (only two of which may be lake trout) greater than or equal to 9 inches in total length from 8 a.m. on the first Saturday after April 11 through Labor Day. Lake Erie and its tributaries generate hundreds of thousands of angler trips for steelhead resulting in millions of dollars of economic benefit to local economies around Lake Erie. As such, a lower daily creel and increased minimum size limits for rainbow trout and increased minimum size limits for lake trout, would reduce the potential for overharvest and prohibit harvest of intermediate-sized rainbow trout and lake trout while further promoting the trophy component of the fishery.

In summary, Commission staff recommend amendments to the Lake Erie basin angling regulations pertaining to salmonids for regulatory consistency and simplicity by aligning the trout and salmon seasons with the proposed amendment to the Commonwealth inland waters regulations, and modifying the daily creel and minimum size limits for rainbow trout and the minimum size limits for lake trout to optimize those fisheries. It should be noted that amending the daily creel limit of rainbow trout from five to three and minimum size limit from 9 inches to 15 inches from 8 a.m. on the opening day of the regular season for trout and salmon through Labor Day will not impact the creel or size limit for brown trout, a popular put-and-take fishery during the months of April and May. Additionally, an increase in the minimum size of lake trout from 9 inches to 15 inches provides further protection to the population which is consistent with ongoing multijurisdictional rehabilitation efforts in Lake Erie.

During the public comment period, the Commission discovered the need for the following modifications to be reflected in this final-form rulemaking to effect the original intent of the proposed change: (1) For RAINBOW TROUT and SALMON—“(combined species)” is added to the daily limit column within the table in § 69.12; (2) The first asterisks in the table for § 69.12 is updated to remove the language “[ first Saturday after April 11 until the first Saturday after June 11 ]” and is replaced with “**second Saturday in April until the second Saturday in June.**”; and (4) An additional asterisk has been added to the table in § 69.12 to provide clarity—“\*\*\***The daily limit for all species of trout and salmon (combined) is 5 from 8 a.m. the opening day of the regular season for trout until midnight Labor Day. The daily limit for all species of trout and salmon (combined) is 3 per day from 12:01 a.m. the day after Labor Day until 12:01 a.m. on the Friday before the opening day of the regular season for trout.**”

Finally, following consideration of public comments, the Commission has decided to keep the daily creel limit for lake trout at two per day. The table has been updated to reflect this two per day creel limit.

The Commission therefore amends § 69.12 to read as set forth in Annex A.

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A notice of proposed rulemaking was published at 51 Pa.B. 5685 (September 4, 2021). The Commission received a total of 36 public comments regarding the proposal: 3 support the entire proposal, 1 supports the portion of the proposal pertaining to rainbow trout, 1 supports the portion of the proposal pertaining to lake trout, 5 oppose the entire proposal, 1 opposes the portion of the proposal pertaining to rainbow trout, 12 oppose the portion of the proposal pertaining to lake trout and 13 do not pertain to the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and a total of 36 comments were received: 3 supported the entire proposal, 1 supported the portion of the proposal pertaining to rainbow trout, 1 supported the portion of the proposal pertaining to lake trout, 5 opposed the entire proposal, 1 opposed the portion of the proposal pertaining to rainbow trout, 12 opposed the portion of the proposal pertaining to lake trout and 13 comments did not pertain to the proposal.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 69, are amended by amending § 69.12 to read as set forth at Annex A, with ellipses referring to the existing text of the regulations.

(Editor’s Note: See 51 Pa.B. 7697 (December 11, 2021) for additional amendments to § 69.12.)

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

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

(D) This order shall take effect on January 1, 2022.

TIMOTHY D. SCHAEFFER,  
Executive Director

**Fiscal Note:** Fiscal Note 48A-319 remains valid for the final adoption of the subject regulation.



**Annex A**  
**TITLE 58. RECREATION**  
**PART II. FISH AND BOAT COMMISSION**  
**Subpart B. FISHING**  
**CHAPTER 69. FISHING IN LAKE ERIE AND**  
**BOUNDARY LAKES**

**Subchapter B. SPORT FISHING AND ANGLING**

**§ 69.12. Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters.**

\* \* \* \* \*

(d) It is unlawful to fish in or along any Lake Erie tributary stream from 12:01 a.m. on the Friday before the opening day of the regular season for trout until 8 a.m. on the opening day of the regular season for trout.

(e) It is unlawful to possess trout or salmon in or along any Lake Erie tributary stream from 12:01 a.m. on the Friday before the opening day of the regular season for trout until 8 a.m. on the opening day of the regular season for trout.

(f) Except as otherwise provided in subsections (d) and (e) and this subpart, the following seasons, sizes and creel limits apply to Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters:

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
* * * * *			
BASS Largemouth Smallmouth	January 1 to first Saturday after April 11 and first Saturday after June 11 until December 31.	15 inches	4 (combined species)
	First Saturday after April 11 until first Saturday after June 11.*	20 inches	1
BROOK and BROWN TROUT***	8 a.m. the opening day of the regular season for trout until midnight Labor Day.	9 inches	5 (combined species)
	12:01 a.m. the day after Labor Day until 12:01 a.m. on the Friday before the opening day of the regular season for trout.	15 inches	3 (combined species)
RAINBOW TROUT and SALMON***	8 a.m. the opening day of the regular season for trout until 12:01 a.m. the Friday before the opening day of the regular season for trout the following year.	15 inches	3 (combined species)
LAKE TROUT***	8 a.m. the opening day of the regular season for trout until 12:01 a.m. the Friday before the opening day of the regular season for trout the following year.	15 inches	2
STURGEON	No open season	ENDANGERED SPECIES	
* * * * *			

\* It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to fishing tournaments and fishing derbies)) for bass on Lake Erie, Lake Erie tributaries or Presque Isle Bay during the period from the second Saturday in April until the second Saturday in June.

\*\* See § 69.12b (relating to Lake Erie walleye and yellow perch adaptive management for establishing daily limits). After the Executive Director establishes the daily limit for the year, the information will be posted on the Commission's web site and available from any Commission office.

\*\*\* The daily limit for all species of trout and salmon (combined) is 5 from 8 a.m. the opening day of the regular season for trout until midnight Labor Day. The daily limit for all species of trout and salmon (combined) is 3 per day from 12:01 a.m. the day after Labor Day until 12:01 a.m. on the Friday before the opening day of the regular season for trout.

[Pa.B. Doc. No. 21-2064. Filed for public inspection December 10, 2021, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CH. 111 ]**

**Boating; Special Regulations Counties**

The Fish and Boat Commission (Commission) amends Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to Blue Marsh Lake, located in Berks County.

*A. Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

*B. Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

*C. Statutory Authority*

The amendment to § 111.6 (relating to Berks County) is published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

*D. Purpose and Background*

The specific purpose and background of the amendment is described in more detail under the summary of changes.

*E. Summary of Changes*

Blue Marsh Lake is a 1,148-acre flood control project managed by the United States Army Corps of Engineers (USACOE) in Berks County. Section 111.6 states that a boat may not tow more than one water-skier (that is, person) on Blue Marsh Lake. This regulation was promulgated shortly after the Blue Marsh Recreation Area was established to address a perceived safety issue relating to boats with multiple towlines. According to definitions contained in § 109.4 (relating to waterskiing, aquaplaning, kiteskiing and similar activities), the term "waterski" is defined as "a device used by a person to be towed through or on water behind a boat. The term includes conventional water skis, aquaplanes, kneeboards, inner tubes, inflatable hot dogs, air mattresses, parasails, kite skis and similar devices." Some of these devices are designed to carry more than one person.

In the fall of 2019, the USACOE requested a change to § 111.6 citing that it does not serve the intended purpose, causes confusion among boaters and unnecessarily limits recreational boating opportunities. The USACOE recently requested the Boating Advisory Board reconsider their request to amend § 111.6 with the intent to limit the number of devices towed by a boat—rather than the number of persons—to no more than one. The USACOE stated that with the popularity of inflatable towed devices designed to carry more than one person, this amendment will eliminate confusion among the boating public and increase recreational boating opportunities. It is also anticipated that the amendment will result in more effective and efficient law enforcement efforts on the lake. The number of persons being towed on a device is limited by the boat's persons capacity.

The Commission therefore amends § 111.6 to read as set forth in the proposed rulemaking published at 51 Pa.B. 5687 (September 4, 2021).

*F. Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

*G. Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

*H. Public Comments*

A notice of proposed rulemaking was published at 51 Pa.B. 5687. The Commission received a total of ten public comments regarding the proposal: eight support the proposal, and two comments did not pertain to the proposal.

*Findings*

The Commission finds that:

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

(2) A public comment period was provided and a total of ten comments were received: eight supported the proposal and two comments did not pertain to the proposal.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 111, is amended by amending § 111.6 to read as set forth at 51 Pa.B. 5687.

(B) The Executive Director will submit this order and 51 Pa.B. 5687 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 51 Pa.B. 5687 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-315 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-2065. Filed for public inspection December 10, 2021, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [ 58 PA. CODE CH. 111 ]

#### Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) amends Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to Shenango River Lake, located in Mercer County.

##### A. *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

##### B. *Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

##### C. *Statutory Authority*

The amendment to § 111.43 (relating to Mercer County) is published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

##### D. *Purpose and Background*

The specific purpose and background of the amendment is described in more detail under the summary of changes.

##### E. *Summary of Changes*

Shenango River Lake is a 3,560-acre flood control project managed by the United States Army Corps of Engineers (USACE) in Mercer County. This busy boating destination is regulated by § 111.43. Shenango River Lake has several specific regulations that deviate from the Statewide recreational boating regulations when boating on project waters. Specifically, subsection (a)(1) states that "the use of motors in excess of 10 horsepower are prohibited in the area west of the Penn Central Railroad (Levittsburg) causeway to the Ohio line."

Recently USACE leadership has changed their local policy/regulation adopting a 20 horsepower restriction west of the causeway. They have petitioned the Commission to make the same change to § 111.43 so Waterways Conservation Officers can continue to assist in enforcement. The proposed amendment was approved by the Boating Advisory Board at their June 23, 2020, meeting.

The Commission therefore amends § 111.43 to read as set forth in the proposed rulemaking published at 51 Pa.B. 6049 (September 18, 2021).

##### F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

##### G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

##### H. *Public Comments*

A notice of proposed rulemaking was published at 51 Pa.B. 6049. The Commission did not receive any public comments regarding the proposal.

##### *Findings*

The Commission finds that:

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

(2) A public comment period was provided, and the Commission did not receive any public comments.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

##### *Order*

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 111, is amended by amending § 111.43 to read as set forth at 51 Pa.B. 6049.

(B) The Executive Director will submit this order and 51 Pa.B. 6049 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 51 Pa.B. 6049 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-316 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-2066. Filed for public inspection December 10, 2021, 9:00 a.m.]







# NOTICES

## DEPARTMENT OF AGRICULTURE

### Action of Controlled Plant and Noxious Weed Committee; Addition of Noxious Weeds to Controlled Plants and Noxious Weed List

A special meeting of the Controlled Plant and Noxious Weed Committee (Committee) was held virtually on November 17, 2021, by means of Microsoft Teams.

A special meeting notice was published at 51 Pa.B. 6929 (November 6, 2021).

The purpose of this special meeting was to consider the addition of two plants to the noxious weed list as authorized under 3 Pa.C.S. § 1511(b)(3)(ii) (relating to designation of noxious weeds and controlled plants).

A quorum of the Committee was present at the meeting. After opportunity for discussion by the Committee and the acknowledgement of written public comments

received, the Committee voted to approve the following weeds for addition to the noxious weed list.

- Callery pear (*Pyrus calleryana*) as a Class B noxious weed
- Eurasian watermilfoil (*Myriophyllum spicatum*) as a Class B noxious weed

Under the authority and requirements of 3 Pa.C.S. § 1511(b)(3)(iv), the Department of Agriculture hereby publishes the addition of Callery pear and Eurasian watermilfoil to the noxious weed list.

The addition of the previously listed plants to the controlled plants and noxious weeds list will become effective 60 days from publication of this notice.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 21-2067. Filed for public inspection December 10, 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 30, 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

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-30-2021	Mid Penn Bancorp, Inc. Millersburg Dauphin County  Application for approval to acquire 100% of Riverview Financial Corporation, Harrisburg, PA, and, thereby, indirectly acquire 100% of Riverview Bank, Marysville, PA.	Effective

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-30-2021	Mid Penn Bank Millersburg Dauphin County  Merger of Riverview Bank, Marysville, PA, with and into Mid Penn Bank, Millersburg, PA. All branch offices of Riverview Bank will become branch offices of Mid Penn Bank including the former main office of Riverview Bank located at:	Effective

200 Front Street  
Marysville  
Perry County

## NOTICES

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-29-2021	The Dime Bank Honesdale Wayne County	300 Lackawanna Avenue Scranton Lackawanna County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-22-2021	Sharon Bank Springfield Delaware County	<i>To:</i> 901 Main Street Darby Delaware County  <i>From:</i> 9 Chester Pike Darby Delaware County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-24-2021	First Commonwealth Bank Indiana Indiana County	100 Central Plaza South Canton Stark County, OH	Closed

**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. 21-2068. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit [www.dep.pa.gov](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP’s website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice).

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP’s tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice). Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications and NOIs may be reviewed at the DEP office that received the application or NOI. Contact information for each DEP office for Sections I & II is listed as follows. Contact information for Section III is available within the table. Members of the public are encouraged to use DEP’s website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs in Sections I & II and to submit comments for those application and NOIs, when applicable, is as follows:

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES\_SERO@pa.gov.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES\_NERO@pa.gov.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES\_SCRO@pa.gov.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES\_NCRO@pa.gov.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES\_SWRO@pa.gov.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES\_NWRO@pa.gov.*

*DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES\_Permits@pa.gov.*

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.



**I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4900401	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Sunbury City Municipal Authority Northumberland County 462 S 4th Street Sunbury, PA 17801-3134	Sunbury City Northumberland County	NCRO
1690402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Paint Township Clarion County	NWRO
4695428	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Lower Salford Township Authority Montgomery County P.O. Box 243 Harleysville, PA 19438-0243	Lower Salford Township Montgomery County	SERO
PAG040197	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Connelly Michele A 2448 Schaffer Road Pottstown, PA 19464	New Hanover Township Montgomery County	SERO
1502419	Pump Stations Individual WQM Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
1503404	Pump Stations Individual WQM Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
1506413	Pump Stations Individual WQM Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
PA0232980	Single Residence STP Individual NPDES Permit	Transfer	Laura L & Terry L Clary 6601 Chestnut Grove Highway Luthersburg, PA 15848-5014	Bloom Township Clearfield County	NCRO
PA0267597	Single Residence STP Individual NPDES Permit	Transfer	Nail Edward J Jr 3794 Kettle Road Altoona, PA 16601-8522	Tyrone Township Blair County	SCRO
PA0272477	Single Residence STP Individual NPDES Permit	Transfer	Carrie & Daniel Schmader & David & Ernestine Lawson 1651 Weiler Road Warren, PA 16365	Conewango Township Warren County	NWRO
PA0288161	Single Residence STP Individual NPDES Permit	Transfer	Jamie & Kristen Respecki 5470 Zessinger Road McKean, PA 16426-2207	Howe Township Forest County	NWRO
0721405	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Nail Edward J Jr 3794 Kettle Road Altoona, PA 16601-8522	Tyrone Township Blair County	SCRO
1718401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Laura L & Terry L Clary 6601 Chestnut Grove Highway Luthersburg, PA 15848-5014	Bloom Township Clearfield County	NCRO
2521432	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Shollenberger Matthew 8200 Keefer Road Girard, PA 16417-8030	Fairview Township Erie County	NWRO

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<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>
2720402	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Jamie & Kristen Respecki 5470 Zessinger Road McKean, PA 16426-2207	Howe Township Forest County	NWRO
4318405	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Sevin Lisa 250 Tieline Road Grove City, PA 16127	Pine Township Mercer County	NWRO
6219411	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Carrie & Daniel Schmader & David & Ernestine Lawson 1651 Weiler Road Warren, PA 16365	Conewango Township Warren County	NWRO
WQG02052101	WQG-02 WQM General Permit	New	West Providence Township Municipal Authority 83 East Fifth Avenue Everett, PA 15537	West Providence Township Bedford County	SCRO
WQG02150618	WQG-02 WQM General Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
WQG02150710	WQG-02 WQM General Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
WQG02152103	WQG-02 WQM General Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO

**II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.**

*Northcentral Regional Office*

**PA0111945**, Industrial, SIC Code 3321, **Ward Manufacturing, LLC**, 117 Gulick Street, Blossburg, PA 16912-1001. Facility Name: Ward Manufacturing Blossburg Foundry. This existing facility is located in Blossburg Borough, **Tioga County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharges of stormwater and non-contact cooling water.

The receiving stream(s), Tioga River (CWF) and Johnson Creek (CWF), is located in State Water Plan watershed 4-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for stormwater outfalls 005—010 and 301 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.) Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 1.67 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Instream Monitoring		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Instream Monitoring						
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report	XXX
Instream Monitoring					Daily Max	

The proposed effluent limits for Outfall 201 are based on a design flow of 0.04 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Instream Monitoring		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Instream Monitoring						
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report	XXX
Instream Monitoring					Daily Max	

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.

**PA0228818 A-1**, Industrial, SIC Code 2621, **First Quality Tissue, LLC**, 904 Woods Avenue, Lock Haven, PA 17745-3348. Facility Name: FQT Lock Haven Plant. This existing facility is located in Castanea Township, **Clinton County**.

Description of Existing Activity: The application is for an NPDES permit amendment of an existing discharge of treated industrial waste.

The receiving stream(s), Bald Eagle Creek (WWF) and Bald Eagle Creek, is located in State Water Plan watershed 9-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 Outfalls 001, 002 and 004 are based on a design flow of 0.0 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Semi-Annual Average	Maximum	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 7.40 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L, unless noted)		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	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	4,010	8,020	Report	XXX	XXX	XXX
Total Suspended Solids	3,270	6,540	Inst Min	XXX	XXX	XXX
Aluminum, Total	35.02	70.0	XXX	65.0	130.0	160
Iron, Total	20.34	40.69	XXX	53.0	105.0	130
Manganese, Total	5.13	10.27	XXX	0.92	1.84	2.3
Cadmium, Total (ug/L)	Report	Report	XXX	0.53	1.07	1.33
Chromium, Hexavalent (ug/L)	Report	Report	XXX	0.13	0.27	0.33
Silver, Total (ug/L)	0.34	0.52	XXX	Report	Report	XXX
4,4-DDD (ug/L)	0.0004	0.0006	XXX	Report	Report	XXX
4,4-DDT (ug/L)	0.0001	0.0002	XXX	0.002	0.003	0.005
4,4-DDE (ug/L)	0.00007	0.0001	XXX	0.001	0.002	0.003
2,4-Dinitrotoluene (ug/L)	0.19	0.29	XXX	3.00	4.68	7.5

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/L, unless noted)</i>			
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>IMAX</i>
2,3,7,8-Tetrachloro-dibenzo-p-dioxin (ng/L)	0.0000000185	0.0000000289	XXX	0.0003	0.0005	0.0008
Acrylonitrile (ug/L)	0.22	0.35	XXX	3.60	5.62	9.01
1,2,4-Trichlorobenzene (ug/L)	0.049	0.076	XXX	0.79	1.24	1.99
Butyl Benzyl Phthalate (ug/L)	0.07	0.11	XXX	1.13	1.77	2.84
Dieldrin (ng/L)	0.000004	0.000006	XXX	0.06	0.09	0.1
Endrin (ug/L)	Report	Report	XXX	Report	Report	XXX
Hexachlorobutadiene (ug/L)	0.037	0.058	XXX	0.60	0.94	1.5
Phenanthrene (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 003.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</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 Nitrogen INTAKE	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus INTAKE	Report	XXX	XXX	Report	XXX	XXX
Net Total Nitrogen*	Report	Report	XXX	XXX	XXX	XXX
Net Total Phosphorus*	Report	Report	XXX	XXX	XXX	XXX

\*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- Chesapeake Bay Nutrient Requirements
- Industrial Stormwater Requirements
- Chemical Additive Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

**PA0027057**, Sewage, SIC Code 4952, **Williamsport Sanitary Authority**, 253 W 4th Street, Williamsport, PA 17701-6113. Facility Name: Central Plant. This existing facility is located in City of Williamsport, **Lycoming County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), West Branch Susquehanna River is located in State Water Plan watershed 10-C and 10-B 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 8.4 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.22	XXX	0.72
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	1,750	2,800 Wkly Avg	XXX	25.0	40.0	50



<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>Weekly Average</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	2,100	3,150 Wkly Avg	XXX	30.0	45.0	60
Total Dissolved Solids	Report	Report	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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	Report Wkly Avg XXX	XXX XXX	Report XXX	Report XXX	XXX XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Copper, Total (ug/L)	Report	Report	XXX	Report	Report Daily Max	XXX
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report Daily Max	XXX
Butyl Benzyl Phthalate (ug/L)	0.076	0.12	XXX	1.08	1.69 Daily Max	2.7
N-Nitrosodi-N-Propylamine (ug/L)	0.017	0.027	XXX	0.24	0.38 Daily Max	0.61

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	153,423 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
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	20,456 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 570-327-3693.

The EPA Waiver is not in effect.

**PA0033928**, Sewage, SIC Code 6515, **PA 2018 Town & Country, LLC**, 1400 Belleville Street, Richmond, VA 23230-4629. Facility Name: PA 2018 Town & Country, LLC. This existing facility is located in Troy Township, **Bradford 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 West Branch Sugar Creek (TSF), is located in State Water Plan watershed 4-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.024 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	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> )						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	Daily Max XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

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.

*Northeast Regional Office*

**PAS212218**, Storm Water, SIC Code 3271, **Oldcastle APG Northeast, Inc.**, 800 Uhler Road, Easton, PA 18040-6617. Facility Name: Oldcastle APG Northeast, Inc.—Easton Facility. This existing facility is located in Forks Township, **Northampton 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), Bushkill Creek (HQ-CWF, MF), is located in State Water Plan watershed 1-F 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 0 MGD (stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	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 based on a design flow of 0 MGD (stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

**PA0044920**, Industrial, SIC Code 3625, 3822, **Blew Enterprises Inc. (FKA Leighton Electronics Inc.)**, 517 North 9th Street, Leighton, PA 18235. Facility Name: Leighton Electronics. This existing facility is located in Mahoning Township, **Carbon 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), Mahoning Creek (CWF, MF), is located in State Water Plan watershed 2-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .022 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
Naphthalene	XXX	XXX	XXX	Report	XXX	Report
1,1-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
cis-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
trans-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
Trichloroethylene	XXX	XXX	XXX	0.050	XXX	0.078
Vinyl Chloride	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 101 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Naphthalene	XXX	XXX	XXX	Report	XXX	Report
1,1-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
cis-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
trans-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
Trichloroethylene	XXX	XXX	XXX	Report	XXX	Report
Vinyl Chloride	XXX	XXX	XXX	Report	XXX	Report

In addition, the permit contains the following major special conditions:

- Necessary property rights; Residuals management; Relation to previous WQM permits; BAT/ELG requirements; Minimum reduction requirement/reporting; Groundwater Cleanup conditions.

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.

**PA0062197**, Industrial, SIC Code 4941, **Schuylkill County Municipal Authority**, 221 S Centre Street, Pottsville, PA 17901-3506. Facility Name: Schuylkill County Municipal Authority Mt. Laurel WTP. This existing facility is located in New Castle Township, **Schuylkill 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), Mud Run (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 .072 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Lead, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Mercury, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .072 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (ug/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Lead, Total (ug/L)	0.0004	0.0006	XXX	0.60	0.94	1.51
Mercury, Total (ug/L)	0.00006	0.00009	XXX	0.099	0.15	0.25
Zinc, Total (ug/L)	0.019	0.030	XXX	40.0	49.7	79.7

The proposed effluent limits for Outfall 001 are based on a design flow of .072 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Total Dissolved Solids	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .072 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	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	0.20	XXX	0.48
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75.0
Aluminum, Total	0.57	0.89	XXX	0.948	1.479	2.370
Copper, Total	Report	Report	XXX	Report	Report	XXX
Iron, Dissolved	Report	Report	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	2.000	4.000	5.000
Manganese, Total	Report	Report	XXX	1.000	2.000	2.500
Acrylamide (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall/Internal Monitoring Point 101 are based on a design flow of NA MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Aluminum, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Copper, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Iron, Dissolved (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Lead, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Mercury, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions: Necessary Property Rights; Residuals Management; Relation to WQM permits; BAT/ELG; Chlorine minimization; Dry stream: WQBELs for Toxic Pollutants (Lead, Mercury, Zinc); WQBELs below Quantitation Limits (Lead and Mercury); Chemical Additives; Basin Cleaning.

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.

**PA0026921**, Sewage, SIC Code 4952, **Greater Hazleton Joint Sewer Authority**, P.O. Box 651, Hazleton, PA 18201-0651. Facility Name: Greater Hazleton Joint Sewer Authority Wastewater Treatment Plant. This existing facility is located in West Hazleton Borough, **Luzerne County**.



Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Black Creek (CWF/MF), Tributary 28127 to Black Creek (CWF/MF), Unnamed Tributary to Black Creek (CWF/MF), Unnamed Tributary to Hazle Creek (HQ-CWF/MF), Cranberry Creek (CWF/MF) and an Unnamed Tributary to Cranberry Creek (CWF/MF), are located in State Water Plan watersheds 5-D and 2-B and are classified as previously indicated as well as for 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 8.9 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	1,856	2,969	XXX	25.0	40.0	50.0
Total Suspended Solids	2,227	3,340	XXX	30.0	45.0	60.0
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
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Influent Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report Total	Report Total	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report Report Total	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Nitrate-Nitrite as N (Total Load, lbs)	Monthly Report Report Total	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs)	Monthly Report Report Total	XXX Report Total	XXX XXX	Report XXX	XXX XXX	XXX XXX
Net Total Nitrogen (Total Load, lbs)	Monthly Report Total	Annual 216,739 Total	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	Monthly Report Report Total	Annual XXX Report Total	XXX XXX	Report XXX	XXX XXX	XXX XXX
Net Total Phosphorus (Total Load, lbs)	Monthly Report Total	Annual 27,092 Total	XXX	XXX	XXX	XXX
Aluminum, Total	Monthly Report	Annual XXX	XXX	Report Avg Qrtly	XXX	XXX
Iron, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Iron, Dissolved	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Manganese, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Cobalt, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Copper, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Zinc, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 8.9 MGD.

(From Permit Effective Date to 3 Years After Permit Effective Date)

<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>	
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Cyanide, Free (µg/L)	Report	XXX	XXX	Report	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	1.6

The proposed effluent limits for Outfall 001 are based on a design flow of 8.9 MGD.

(From 3 Years After Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Ammonia-Nitrogen						
May 1 - Oct 31	204	XXX	XXX	2.75	XXX	5.5
Nov 1 - Apr 30	612	XXX	XXX	8.25	XXX	16.5
Cyanide, Free (µg/L)	0.60	XXX	XXX	8.1	12.7	20.3
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.29

The proposed effluent limits for Outfall 101 are based on a design flow of 0 MGD (stormwater).

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</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 102 are based on a design flow of 0 MGD (stormwater).

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</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 103 are based on a design flow of 0 MGD (stormwater).

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</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 monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Total Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) Effluent Net	XXX	216,739	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report	Report	XXX	See Above	XXX	See Above
Total Phosphorus (Total Load, lbs) Effluent Net	Report	Report	XXX	XXX	XXX	XXX
	XXX	27,092	XXX	XXX	XXX	XXX

\*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- Chesapeake Bay Nutrient Requirements
- Maximizing Treatment at the Existing POTW
- Combined Sewer Overflows
- POTW Pretreatment Program Implementation
- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements for Total Residual Chlorine (TRC)
- Requirements Applicable to Stormwater Outfalls
- High Flow Management Plan

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.

**PA0060950**, Sewage, SIC Code 8211, **Lackawanna Trail School District**, P.O. Box 85, 28 Tunnel Hill Road, Factoryville, PA 18419-0085. Facility Name: Lackawanna Trail High School Wastewater Treatment Facility. This existing facility is located in Clinton Township, **Wyoming 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 South Branch Tunkhannock Creek (CWF), is located in State Water Plan watershed 4-F 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 0.0138 MGD.

(From Permit Effective Date to Three Years After Permit Effective Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0138 MGD.

(From Three Years After Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0138 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.36	XXX	0.84
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	17.46	XXX	34.92
May 1 - Oct 31	XXX	XXX	XXX	5.82	XXX	11.64
E. Coli (No./100 ml)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Nitrate-Nitrite as N	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Annl Avg Report	XXX	XXX	Annl Avg Report	XXX	XXX
Total Phosphorus	Annl Avg Report	XXX	XXX	Annl Avg Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Northwest Regional Office

**PA0102288**, Industrial, SIC Code 4953, **Casella Waste Management of PA, Inc.**, 25 Green Hills Lane, Rutland, VT 05071-3804. Facility Name: McKean County Landfill. This existing facility is located in Sergeant Township, **McKean 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 streams, the Little Sicily Run (CWF), the Sicily Run (CWF), an Unnamed Tributary to the Sevenmile Run (HQ-CWF), and the Rocky Run (CWF), are located in State Water Plan watershed 17-A and are classified for Cold Water Fishes and High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Quarterly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	37.0 Avg Mo	140.0	140
Total Suspended Solids	XXX	XXX	XXX	27.0 Avg Mo	88.0	88
Oil and Grease	XXX	XXX	XXX	15.0 Avg Mo	XXX	30.0
Ammonia-Nitrogen	XXX	XXX	XXX	4.6 Avg Mo	9.2	11.5
Zinc, Total	XXX	XXX	XXX	0.11	0.20	0.27
Phenol	XXX	XXX	XXX	0.015	0.026	0.037
a-Terpineol	XXX	XXX	XXX	0.016	0.033	0.04
Benzoic Acid	XXX	XXX	XXX	0.071	0.12	0.17
p-Cresol	XXX	XXX	XXX	0.014	0.025	0.035

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Semi-Annual Average	Maximum	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Semi-Annual Average	Maximum	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	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>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 004 are based on a design flow of 0.0 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>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 005 are based on a design flow of 0.0 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>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 006 are based on a design flow of 0.0 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>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 007 are based on a design flow of 0.0 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>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

In addition, the permit contains the following major special conditions:

- Equivalent Treatment Determination
- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0205559**, Sewage, SIC Code 4952, **Jonathan Clark & Thomas Loughry d/b/a WJT Enterprises**, 4639 Route 119 Highway N, Home, PA 15747-9002. Facility Name: Crystal Waters PCH. This existing facility is located in Rayne Township, **Indiana 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, the Pine Run (CWF), is located in State Water Plan watershed 17-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0029 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.4
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max	XXX
					Report	
					Daily Max	

In addition, the permit contains the following major special conditions:

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0221031**, Sewage, SIC Code 4952,8811, **Sharon L Priester**, 1499 Mercer New Wilmington Road, New Wilmington, PA 16142-2521. Facility Name: Sharon Priester SRSTP. This existing facility is located in East Lackawannock Township, **Mercer 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 Little Neshannock Creek (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0239585**, Sewage, SIC Code 8800, **Lawrence J. Adams**, 125 Wallace Road, Portersville, PA 16051-2129. Facility Name: Lawrence J Adams SFTF. This existing facility is located in Muddycreek Township, **Butler County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SRSTP Ssewage.

The receiving stream, an Unnamed Tributary to the Big Run (HQ-CWF), is located in State Water Plan watershed 20-C 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 0.0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0264148**, Sewage, SIC Code 8800, **Matthew W. Hoover**, 4551 Greenlee Road, McKean, PA 16426-1813. Facility Name: Matthew W. Hoover SRSTP. This existing facility is located in McKean Township, **Erie 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 Lamson Run (CWF, MF), is located in State Water Plan watershed 15-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 .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0264261**, Sewage, SIC Code 4952, 8800, **Robert K. McClain**, 1310 Thompson Hill Road, Russell, PA 16345-1916. Facility Name: Robert K. McClain SRSTP. This existing facility is located in Farmington Township, **Warren 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), Valentine Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0264318**, Sewage, SIC Code 8800, **James Weaver**, 17506 State Highway 86, Saegertown, PA 16433-6338. Facility Name: James Weaver SRSTP. This existing facility is located in Woodcock Township, **Crawford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SRSTP sewage.

The receiving stream, an Unnamed Tributary to the Bossard Run (HQ-CWF), is located in State Water Plan watershed 16-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0264661**, Sewage, SIC Code 8800, **Vance Fox**, 386 Gates Lane, Russell, PA 16345-3903. Facility Name: Vance Fox SRSTP. This existing facility is located in Pine Grove Township, **Warren 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, the Johnny Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo 10.0	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0264695**, Sewage, SIC Code 4952, 8800, **Susan First**, 1090 Linn Tyro Road, Hadley, PA 16130-2832. Facility Name: Susan First SFTF. This existing facility is located in Perry Township, **Mercer 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 is an Unnamed Tributary to Little Shenango River, located in State Water Plan watershed 20-A and 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 0.0008 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0264750**, Sewage, SIC Code 4952, 8800, **Jamie Fitch**, 1470 Brown Hill Road, Youngsville, PA 16371-3310. Facility Name: Jamie Fitch SRSTP. This existing facility is located in Brokenstraw Township, **Warren 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 is Indian Camp Run, located in State Water Plan watershed 16-B and classified for Cold Water 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 0.0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0264814**, Sewage, SIC Code 4952, 8800, **Chelsey Ricketts**, 10851 Sidehill Road, North East, PA 16428-4963. Facility Name: Chelsey Ricketts SRSTP. This existing facility is located in North East Township, **Erie County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream is an Unnamed Tributary of Sixteenmile Creek, located in State Water Plan watershed 15-A and classified for Migratory and Warm Water 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 0.0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0265080**, Sewage, SIC Code 4952, 8800, **Charlotte & Robert Russo**, 6480 Lakeside Drive, Sharpsville, PA 16150-9670. Facility Name: Charlotte & Robert Russo SRSTP. This existing facility is located in South Pymatuning Township, **Mercer 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 is an Unnamed Tributary to the Shenango River, located in State Water Plan watershed 20-A and classified for Warm Water 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 0.0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0273147**, Sewage, SIC Code 4952, 8800, **Thomas C. Judge**, 3029 Egypt Hollow Road, Russell, PA 16345-4521. Facility Name: Thomas C. Judge SRSTP. This existing facility is located in Pine Grove Township, **Warren 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 is an unnamed tributary Widdlefield Run, located in State Water Plan watershed 16-B and classified for Cold Water 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 0.0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0289973**, Sewage, SIC Code 8800, **Miranda Dages**, 14 Nutt Road, Grove City, PA 16127-6032. Facility Name: Miranda Dages SRSTP. This proposed facility is located in Pine Township, **Mercer County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage.

The receiving stream(s), Unnamed Tributary to North Branch Slippery Rock Creek (CWF), is located in State Water Plan watershed and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0289981**, Sewage, SIC Code 8800, **Bryan L. Smith**, 32 Fassinger Lane, Volant, PA 16156-1312. Facility Name: Bryan L Smith SRSTP. This proposed facility is located in Springfield Township, **Mercer County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage.

The receiving stream(s), Neshannock Creek (TSF), is located in State Water Plan watershed 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 .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0290068**, Sewage, SIC Code 8800, **Ryan Caldwell**, 19711 Morris Road, Meadville, PA 16335-9625. Facility Name: Caldwell SRSTP. This proposed facility is located in Woodcock Township, **Crawford 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 French Creek (WWF), is located in State Water Plan watershed 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 .4 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0290084**, Sewage, SIC Code 8800, **Tyler Wilber**, 2035 West Washington Street, Bradford, PA 16701. Facility Name: Wilber SRSTP. This proposed facility is located in Bradford Township, **McKean 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), Willow Creek (HQ-CWF), is located in State Water Plan watershed 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 .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Southcentral Regional Office

**PA0086304**, Sewage, SIC Code 4952, **Earl Township Sewer Authority, Lancaster County**, 517 N Railroad Avenue, New Holland, PA 17557-9758. Facility Name: Earl Township STP. This existing facility is located in Earl Township, **Lancaster 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), Mill Creek (WWF, MF), is located in State Water Plan watershed 7-J and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.65 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	103.0	163.0	XXX	19.0	30.0	38.0
Total Suspended Solids	163.0	Wkly Avg 244.0	XXX	30.0	45.0	60.0
BOD <sub>5</sub>	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
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
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	19.0	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	57.0	XXX	XXX	10.5	XXX	21.0
Total Phosphorus	11.0	XXX	XXX	2.0	XXX	4.0
Ultraviolet light dosage (mWsec/cm <sup>2</sup> )	XXX	XXX	Report	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen (Final)	Report	7,306	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	974	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.

*Southeast Regional Office*

**PA0011266**, Industrial, SIC Code 2819, **Global Advanced Metals USA, Inc.**, 1223 County Line Road, Boyertown, PA 19512. Facility Name: Global Advanced Metals USA, Inc. This existing facility is located in Douglass Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream(s), Swamp Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1763 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Antimony, Total	Report	Report	XXX	Report	Report	XXX
Arsenic, Total	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1763 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Antimony, Total	0.09	0.14	XXX	0.061	0.0952	0.153
Arsenic, Total	0.16	0.25	XXX	0.109	0.17	0.272

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1763 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Total Suspended Solids	29.5	59.0	XXX	20	40	50
Total Dissolved Solids	13,631	21,265	XXX	9,270.0	14,463.0	23,175
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	22.0	44.0	XXX	15.0	30.0	30
Nitrate-Nitrite as N	147	184	XXX	100	125	150
Ammonia-Nitrogen	9.99	19.97	XXX	6.8	13.6	17
Total Phosphorus	Report	Report	XXX	Report	Report	XXX
Copper, Total	0.122	0.191	XXX	0.083	0.130	0.208
Fluoride, Total	36.08	64.35	XXX	24.54	43.78	61.35
Lead, Total	0.051	0.078	XXX	0.035	0.054	0.088
Molybdenum, Total	0.270	0.610	XXX	0.183	0.415	0.458
Nickel, Total	0.147	0.230	XXX	0.100	0.156	0.25
Sulfate, Total	5881	9175	XXX	4000	6240	10000
Thallium, Total	0.003	0.005	XXX	0.002	0.003	0.005
Zinc, Total	1.03	1.607	XXX	0.701	1.093	1.75
Chloride	10,824	16,888	XXX	7,362.0	11,486.0	18,405

The proposed effluent limits for Outfall 002 are based on a design flow of .0712 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .0712 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
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	Report	Report	XXX	20	40	50
Total Dissolved Solids	890	1,366	XXX	1,500.0	2,300.0	3,750
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	Report	Report	XXX	15	30	30
Nitrate-Nitrite as N	Report	Report	XXX	Report	Report	XXX
Ammonia-Nitrogen	Report	Report	XXX	4.0	8.0	10
Fluoride, Total	Report	Report	XXX	20	31	50
Sulfate, Total	Report	Report	XXX	100	156	250
Chloride	Report	Report	XXX	875.0	1,365.0	2,188

In addition, the permit contains the following major special conditions:

- Dry stream discharge condition
- Development of an O&M plan
- Non-stormwater discharge
- Basis for Nitrate-Nitrite limit
- Justification for TDS limit
- Stormwater discharge from lift pump station
- Schedule of compliance
- WQBEL for toxic pollutants
- Chemical additives
- Requirements applicable to stormwater outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0011282**, Industrial, SIC Code 4941, **Aqua Pennsylvania, Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3402. Facility Name: Crum Creek Water Treatment Plant. This existing facility is located in Springfield Township, Delaware 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), Crum Creek (WWF), is located in State Water Plan watershed 3-G 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.

<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	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	XXX	XXX	XXX	1.24	2.48	3.1
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Chlorodibromomethane	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .555 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .555 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 Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	10
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	2.0	4.0	5
Acrylamide	XXX	XXX	XXX	XXX	Report	XXX
Chlorodibromomethane	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	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>	
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	0.5	1.0	1.2
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	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>	
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	0.5	1.0	1.2
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 013 are based on a design flow of .094 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 Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0

In addition, the permit contains the following major special conditions:

- Limited dilution
- Discharge to Crum Creek
- Discharge from residual lagoons
- Sampling for Acrylamide

- Chemical additives
- Sedimentation basin cleaning condition

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.

**PA0058378**, Sewage, SIC Code 4952, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425-9516. Facility Name: St Andrews Brae STP. This existing facility is located in Upper Uwchlan Township, **Chester 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), Black Horse Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-H and is classified for Mi and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0036 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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	0.60	0.90	XXX	20	30	40
May 1 - Oct 31	0.30	0.45	XXX	10	15	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	0.30	0.45	XXX	10	15	20
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	0.9	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	0.14	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	0.05	XXX	XXX	1.5	XXX	3
Total Phosphorus						
Nov 1 - Mar 31	0.06	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	0.03	XXX	XXX	1.0	XXX	2

In addition, the permit contains the following major special conditions:

- No Stormwater
- Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Optimization
- Operator Notification
- Fecal Coliform Reporting

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.

*Southwest Regional Office*

**PA0006335**, Industrial, SIC Code 3317, **IPSCO Koppel Tubulars, LLC**, P.O. Box 410, Ambridge, PA 15003-0410. Facility Name: IPSCO Koppel Tubulars LLC Ambridge Plant. This existing facility is located in Ambridge Borough, **Beaver 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), Ohio River (WWF) and Unnamed Tributary to Ohio River (WWF), is located in State Water Plan watershed 20-G 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 Stormwater flow of 0 MGD.—Limits.

Note: Stormwater sampling at Outfall 001 is prior to commingling with effluent from IMP 101.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Quarterly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	7.0	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Quarterly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	7.0	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.203 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Monthly	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	XXX	0.5	1.0	XXX
Total Suspended Solids	186.48	539.92	XXX	15.0	40.0	XXX
Oil and Grease	XXX	134.98	XXX	XXX	10	XXX

In addition, the permit contains the following major special conditions:

- Chemical Additives Requirements
- Requirements for Stormwater Outfalls

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.

**PA0041378**, Industrial, SIC Code 3316, **Prime Metals Acquisition, LLC**, 101 Innovation Drive, Homer City, PA 15748-7433. Facility Name: Prime Metals & Alloys/Homer City Plant. This existing facility is located in Center Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage and new discharges of non-contact cooling water and stormwater. This is a revision to draft limits published on July 31, 2021.

The receiving streams, Unnamed Tributary to Two Lick Creek (CWF) and Two Lick Creek (TSF), are located in State Water Plan watershed 18-D and are classified for Cold Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.018 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	Avg Qrtly 1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	Avg Qrtly 1.0	2.0	XXX
				Avg Qrtly		

The proposed effluent limits for Outfall 002 are based on a design flow of 0.00144 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)	XXX	Report	XXX	XXX	XXX	XXX
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
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Aluminum, Total (Interim)	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total (Final)	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total (Interim)	XXX	XXX	XXX	Report	Report	XXX
Iron, Total (Final)	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total (Interim)	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total (Final)	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfalls 010 and 011 are for stormwater discharges.—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
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
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 012 are for stormwater discharges.—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
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 0.005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.005	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Internal Monitoring Point 301 are based on a design flow of 0.013 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX

The proposed effluent limits for Internal Monitoring Point 402 are based on a design flow of 0.00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	Avg Qrtly XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0

In addition, the permit contains the following major special conditions: a schedule of compliance for TMDL effluent limits for aluminum, iron, and manganese at Outfall 003; chemical additive requirements; requirements for stormwater discharges; and requirements for chlorine minimization and sludge disposal. The schedule of compliance for TRC limits at Outfall 003 and the free available chlorine and TRC limits at Internal Monitoring Point 301 and Outfall 003 are removed from the permit. Temperature limits are removed from Outfall 003.

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.

**PA0096474**, Storm Water, SIC Code 4226, **Buckeye Terminal, LLC**, 3200 University Boulevard, Coraopolis, PA 15108-2531. Facility Name: Buckeye Terminals LLC Coraopolis/Pittsburgh Terminal. This existing facility is located in Coraopolis Borough, **Allegheny 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), Ohio River (WWF), is located in State Water Plan watershed 20-G 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.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	7.0
Ethylbenzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Toluene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	7.0
Ethylbenzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Toluene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	7.0
Ethylbenzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Toluene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 102 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPM)	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	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	0.02	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	30.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	15.0	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Benzene	XXX	XXX	XXX	XXX	0.0025	XXX
BTEX, Total	XXX	XXX	XXX	XXX	0.25	XXX
Total Volume (MGD)	XXX	Report	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPM)	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	XXX	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	0.02	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	30.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	15.0	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Benzene	XXX	XXX	XXX	XXX	0.0025	XXX
BTEX, Total	XXX	XXX	XXX	XXX	0.25	XXX
Total Volume (MGD)	XXX	Report	XXX	XXX	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.

**PA0254282**, Sewage, SIC Code, **Michael T Taylor**, 263 Moscow Road, Amity, PA 15311-1234. Facility Name: Taylor SRSTP. This existing facility is located in Amwell Township, **Washington 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), Tenmile Creek (TSF), is located in State Water Plan watershed 19-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

In addition, the permit contains the following major special conditions:

- AMR submission requirement
- Septic tank pumping requirements in every 3 years
- Chlorine optimization

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.

**PA0255041**, Sewage, SIC Code 8811, **William Kibler**, P.O. Box 96, Hastings, PA 16646-0096. Facility Name: Kibler SRSTP. This existing facility is located in Elder Township, **Cambria County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SRSTP sewage.

The receiving stream(s), Unnamed Tributary of Brubaker Run (CWF, MF), is located in State Water Plan watershed 8-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

### III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

Application Number	Application Type	Applicant Name & Address	Municipality, County	Office
PAD510214	New	Philadelphia Water Department 1101 Market Street 2nd Floor Philadelphia, PA 19107	City of Philadelphia Philadelphia County	SERO
PAD480013	Renewal	J. G. Petrucci Company, Inc. 171 State Route 173 Ste. 201 Asbury, NJ 08802	Hanover Township Northampton County	NERO
PAD390215	New	Constructive Contracting & Solutions, LLC 1030 Barnsdale Rd. Allentown, PA 18103	Salisbury Township Lehigh County	NERO
PAD210079	New	Salem Development Associates, LLC 700 Ayers Avenue Lemoyne, PA 17043-1710	Hampden Township Cumberland County	SCRO
PAD380018	New	Exel Inc., d/b/a DHL Supply Chain (USA) 360 Westar Boulevard Westerville, OH 43082-7627	South Annville Township Lebanon County	SCRO
PAD240012	New	Glenn O Hawbaker, Inc. 1952 Waddle Road State College, PA 16803	Jones Township Elk County	NWRO
PAD250014	Renewal	ITC Lake Erie Connector, LLC 27175 Energy Way Novi, MI 48377	Conneaut Township Girard Township Springfield Township Erie County	NWRO
PAD330008	New	Loves Travel Stops & Country Stores, Inc. 10601 N Pennsylvania Avenue Oklahoma City, OK 73120	Pine Creek Township Jefferson 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).

*Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

##### Application No. 6721510, Public Water Supply.

Applicant **Culhane's Inc.**  
1 Laurel Road  
New Cumberland, PA 17070

Municipality Fairview Township

County **York**

Responsible Official Thomas J. Sagonas  
President  
1 Laurel Road  
New Cumberland, PA 17070

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley &  
Associates, Inc.  
18 South George Street  
York, PA 17401

Application Received October 8, 2021

Description Construction permit application for softening, pH adjustment, new 4-log treatment of viruses using chlorination, and for raising the existing well casing out of the existing pit.

##### Application No. 3821503, Public Water Supply.

Applicant **Bell & Evans**  
154 West Main Street  
P.O. Box 39  
Fredericksburg, PA 17026

Municipality Bethel Township

County **Lebanon**

Responsible Official Mike Bracrella  
COO  
154 West Main Street  
P.O. Box 39  
Fredericksburg, PA 17026

Consulting Engineer Paul Lutzkanin, P.E.  
Steckbeck Engineering &  
Surveying Inc.  
279 North Zinns Mill Road  
P.O. Box 39  
Lebanon, PA 17042

Application Received June 17, 2021

Description Installation of three (3) wells and the construction of a water system for Plant 3.

##### Application No. 3621529, Public Water Supply.

Applicant **Warwick Township Municipal Authority**  
315 Clay Road  
Lititz, PA 17543

Municipality Warwick Township

County **Lancaster**

Responsible Official Jon Bunch  
Superintendent  
315 Clay Road  
Lititz, PA 17543

Consulting Engineer Steven E. Riley, P.E.  
Entech Engineering, Inc.  
201 Penn Street  
Reading, PA 19603

Application Received November 9, 2021

Description Rehabilitation of the existing Rothsville Well No. 1 nitrate treatment.

*Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

##### Applicant No. 2621507, Public Water Supply.

Applicant **Indian Creek Valley Water Authority**  
2019 Indian Head Road  
P.O. Box 486  
Indian Head, PA 15446

Township or Borough Saltlick Township

County **Fayette**

Responsible Official R. Kerry Witt  
Manager

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received November 12, 2021

Date

Description of Action Grimm Spring Slow Sand  
Filtration Plant modifications.

## 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.*

**Powel and Auriemma Residences**, 445 and 443 Penn Road, Plymouth Meeting, PA 19462, Plymouth Township, **Montgomery County**. Jason Charles, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Penny Dunyan, Worcester Heating and Air Conditioning, 2830 West Main Street, Suite 3, Eagleville, PA 19403 submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4-TMB and 1,3,5-TMB. The proposed future use of the property will remain residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Times Herald* on July 22, 2021.

**704 Montgomery Avenue Parcel**, 704 Montgomery Avenue, Pennsburg, PA 18073, Borough of Pennsburg, **Montgomery County**. Robert Minnich III, David Blackmore & Associates, 3335 West Ridge Pike, Pottstown, PA 19464 on behalf of Timothy Hendricks, Hendricks Group Developers, LLC, 555 South Goddard Boulevard, Unit 445, King of Prussia, PA 19406 submitted a Notice of Intent to Remediate. Groundwater has been contaminated with leaded and unleaded gasoline constituents. The current use and proposed future use of the property is residential. The proposed cleanup standard for the site is the Statewide health standard. The

Notice of Intent to Remediate was published in *The Town & County* on October 7, 2021.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**South Freeman Street Property**, Tax Parcel No. 4347-04-91-5809, Robesonia, PA 19551, Robesonia Borough, **Berks County**. Advanced GeoServices Corporation, 2209 Quarry Drive, Suite C-35, Reading, PA 19609, on behalf of David P. Randler, P.O. Box 205, Robesonia, PA 19551, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with cobalt and lead. The site will be remediated to the residential Statewide health standard. Future use of the site will be for residential and municipal use. The Notice of Intent to Remediate was published in the *Reading Eagle* on September 26, 2021.

**1036 Manheim Pike**, Lancaster, PA 17603, Manheim Township, **Lancaster County**. Liberty Environmental, 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of MTS Group, LLC, 120 North Pointe Boulevard, Suite 201, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with heating oil from USTs. The combined Report is intended to document remediation of the site to meet the site-specific standard.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**General Permit Application No. WMGR038-NE011. PA Rubber, LLC**, 191 Clark Road, Duryea, PA 18642. An application for determination of applicability for the processing of waste tires for beneficial reuse at a facility located in Duryea Borough, **Lackawanna County**. The application for determination of applicability was received by the Regional Office on November 10, 2021 and deemed administratively complete on November 24, 2021.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**Application(s) for Determination of Applicability Administratively Complete 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.**



*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**General Permit Application No. WMGR123SW056. EQM Gathering OPCO, LLC**, 2200 Energy Drive, Canonsburg, PA 15317. An application for coverage under General Permit No. WMGR123 for the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well at the Marlin Aboveground Storage Tank facility, located on Aleppo Road in Jackson Township, **Greene County** was accepted as administratively complete by the Southwest Regional Office on November 30, 2021.

Comments concerning the application should be directed to the Southwest Regional Office Resource Account at RA-EP-EXTUPLSWRO@pa.gov. Persons interested in obtaining more information about the general permit application may contact the Southwest Regional Office, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60-days of this notice.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this

type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief, (484) 250-5920.*

**23-0222A: William Lombardo Funeral Home, Inc.**, 33 West Baltimore Avenue, Clifton Heights, PA 19018, for installation of a human cremation unit, manufactured by U.S. Cremation Equipment, rated at 200 lbs/hr, at an existing funeral home in Clifton Heights Borough, **Delaware County**. This facility is a non-Title V facility. The cremation unit will be equipped with an afterburner and an opacity monitor. Emissions of PM shall remain below 0.08 grain per dry standard cubic feet, corrected to 7 percent O<sub>2</sub>. Emissions of SO<sub>x</sub> shall remain below 500 ppmv. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft plan approval can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**35-00038B: Lockheed Martin Corporation**, 459 Kennedy Drive, Archbald, PA 18403, for the construction and operation of one in-line liquid cleaning machine to serve as a printed circuit board washer at the site located in Archbald Borough, **Lackawanna County**. This facility is a Non Title V facility. The company shall not exceed

50 TPY VOC emissions from the facility. The company shall comply with 123.31 for odor emissions. There is no production increase associated with this project. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**05-03022A: Cronimet Specialty Metals USA, Inc.**, 172 Friendship Village Road, Bedford, PA 15522, for the construction of four burnoff ovens and two tungsten carbide cleaning lines at the metals recovery and recycling facility located in Bedford Township, **Bedford County**. The expected maximum increases in facility emissions as a result of the changes proposed are 11.6 tons per year of NO<sub>x</sub>. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**63-00968: MarkWest Liberty Midstream & Resources, LLC**, 4600 J. Barry Ct., Ste. 500, Canonsburg, PA 15317-5854, Synthetic Minor State-Only Operating Permit Major Modification is for the operation of the Smith natural gas compressor station located in Smith Township, **Washington County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received a State-Only Operating Permit modification application and is providing notice that it intends to issue a revised air quality operating permit for the previously-mentioned facility. Sources of emissions consist of two (2) 1,480-bhp Waukesha compressor engines, eight (8) 1,980-bhp Waukesha compressor engines, one (1) 130.0 MMscf/day dehydration unit and associated 2.0 MMBtu/hr reboiler, one (1) 7.0 MMBtu/hr enclosed flare, two (2) 400-bbl condensate storage tanks, two (2) 400-bbl produced water tanks, one (1) 500-bbl gunbarrel tank, three (3) 520-gal methanol storage tanks, pneumatic devices, venting/blowdowns, fugitives, condensate loadout, pigging operations, and miscellaneous sources that include crankcase vents, rod packing, 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 42.8 TPY NO<sub>x</sub>, 61.8 TPY CO, 49.7 TPY VOC, 15.7 TPY PM, 15.7 TPY PM<sub>10</sub>/PM<sub>2.5</sub>, 0.5 TPY SO<sub>x</sub>, 298,216 TPY CO<sub>2e</sub>, 7.8 TPY total HAP, and 2.2 TPY single HAP. The proposed operating permit includes Federally enforceable and/or legally and practicably enforceable facility-wide and source-specific emission limitations for VOCs 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 (63-00968) 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>.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief, (814) 332-6940.*

**24-022B: SMC Global Holdings, Incorporated—Saint Marys Carbon**, 259 Eberl Street, Saint Marys, PA 15857, for the proposed installation of an oxidation system for control of the Carbon/Graphite Mixers 2 & 3 (Sources 115A & 115B). The facility is located in Saint Marys City, **Elk County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 24-022B is for the proposed installation of an oxidation system for control of the Carbon/Graphite Mixers 2 & 3 (Sources 115A & 115B). This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best

Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 115A & 115B
- Subject to 25 Pa. Code § 123.13
- Subject to 25 Pa. Code § 123.21
- Subject to 25 Pa. Code § 123.31
- Initial testing for sulfur oxides (SO<sub>2</sub>) within 180 days of control device installation.
- Testing for sulfur oxides (SO<sub>2</sub>) at operating permit renewal.
- The permittee shall continuously monitor the combustion zone temperature of the thermal oxidizer associated with this source. Continuously monitor means at least one reading every 15 minutes.
- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.
- The permittee shall maintain records of the following from the thermal oxidizer (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
  - Combustion zone temperature—continuously defined as at least one recording every 15 minutes
  - The permittee shall maintain the temporary plastic enclosure around the mixing area to minimize fugitive emissions.
  - The permittee shall install a hood above the mixer and the dumping area to ensure all emissions are captured and sent to the control device.
  - After installation of the control device, the permittee shall close the roof vent above the mixer during operation of the source and for at least 3 hours after the mixing is completed.
  - The temperature of the combustion zone for the thermal oxidizer shall be maintained at a minimum of 1,200F for at least 0.3 second prior to their emission into the outdoor atmosphere whenever the source is in operation. All gauges employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full-scale reading.
  - The permittee shall operate the control device at all times that the source (mixer & dumping process) is in operation.
  - The permittee shall maintain and operate this source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
  - Within 30 days of plan approval issuance, the facility shall submit copies of purchase orders of all control devices purchased for Source 115A & 115B.
  - The facility shall submit monthly reports of the status of each control device for Source 115A & 115B starting on June 1, 2022 and ending after the completion of the initial stack test.
  - By August 1, 2022, the control device(s) on Source 115A & 115B shall be constructed, installed, and operating in accordance with the plan approval.
  - The Permittee may request in writing that the compliance deadline contained in Paragraph (c), previously listed, be extended for cause, if Turner EnviroLogic

encounters delays with the manufacturing of the control devices solely due to non-availability of material or components. All extensions under this condition must be approved by the Department in writing prior to the compliance deadline. The Department retains authority to approve or deny the extension request.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed plan approval [24-022B] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335, Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421—127.431 for State Only Operating Permits or §§ 127.521—127.524 for Title V operating permits.

**37-00293A: CEMEX Construction Materials Atlantic, LLC (CEMEX)**, 2001 Portland Park, Wampum, PA 16157-3913. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 and 127.424 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval PA-37-00293A to CEMEX to authorize the installation and temporary operation of a 650 stph limestone crushing operation at their quarry located in Shenango and Wayne Townships, **Lawrence County**.

The project proposes to construct a new 650 stph crusher system to process 2,372,500 tons of limestone per year. The new system includes a dump hopper, apron feeder, wobbler feeder, impact crusher, conveyor system, dust collectors, and ancillary equipment. CEMEX proposes to refurbish the existing crusher building and truck loadout silo for use in the new operation, and to dis-



mantle and remove the old crusher system equipment. The four (4) fuel and lube storage tanks meet the exemption criteria of DEP Bureau of Air Quality Document No. 275-2101-003 Air Quality Exemptions, August 8, 2018 Section 127.14(a)(8) Exemptions, item # 17 for diesel fuel, and low vapor pressure organic liquids <1.5 psia and # 31 for sources of uncontrolled VOC with emissions less than 2.7 tons per year and are exempt from plan approval.

The annual potential to emit from the facility is estimated to be 3.0 tons of particulate matter (PM<sub>Total</sub>), 1.0 ton of particulate matter less than 10 microns (PM<sub>10</sub>), and <0.5 ton of particulate matter less than 2.5 microns (PM<sub>2.5</sub>). Best available technology (BAT) determinations for the control of particulate emissions at this facility are consistent with BAT determinations at other facilities and include: Water sprays and partial enclosures (3-sided) for material transfers at the dump hopper and for the loading of the crushed limestone into trucks; watering (as needed) in combination with natural surface material moisture or chemical suppressant application (as needed) and a 15mph speed limit to minimize fugitive emissions from roadways; and wet suppression (as needed) for fugitive dust control of stockpiles.

The authorization is subject to State and Federal regulations including: 25 Pa. Code §§ 123.1, 123.2, 123.13, 123.31, 123.41—123.43, 127.12b and 129.14; 40 CFR Part 60 Subpart A—General Provisions; 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants; and 40 CFR Part 63 Subpart CCCCC—Gasoline Dispensing Facilities. The Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. PA-37-00293A and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

## OPERATING PERMITS

### Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.*

**39-00016: Buckeye Energy Services, LLC, Macungie Terminal**, P.O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049-0368. The Department intends to issue a renewal of the Title V Operating Permit for the petroleum bulk stations and terminals facility in Lower Macungie Township, **Lehigh County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of Loading Racks and Gasoline and Distillate Storage Tanks. The control devices are a Vapor Collection System (VCU) and a Vapor Recovery System (VRU). The proposed Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00019: Buckeye Pipeline Co, LLC, Macungie Station**, P.O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049-0368. The Department intends to issue a renewal of the Title V Operating Permit for the refined petroleum pipelines facility in Lower Macungie Township, **Lehigh County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of Pumps and Gasoline and Distillate Tanks. The proposed Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00028: Buckeye Terminals, LLC, Macungie Terminal**, P.O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049-0368. The Department intends to issue a renewal of the Title V Operating Permit for the petroleum bulk stations and terminals facility in Lower Macungie Township, **Lehigh County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of a Loading Rack and Gasoline Storage Tanks. The control device is a Vapor Collection System (VCU). The proposed Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**TV-63-00550: USA South Hills Landfill**, 3100 Hill Rd., South Park, PA 15129-9443. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing



notice that it intends to issue a Title V Operating Permit renewal to USA South Hills Landfill, Inc. for their facility located in Union Township, **Washington County** and South Park Township, **Allegheny County**.

USA South Hills Landfill, a municipal solid waste landfill has been in operation since 1940s. Sources and the control devices at this facility include Landfill Gas Collection and Control System, Paved and Unpaved Roads, Landfill Leachate Storage Ponds, Soil Processing (portable), Landfill Fugitive emissions (fugitive gas, material handling, & erosion), LFG Ground Flare (Enclosed Flare) and Water Spray.

This facility has the potential emissions per year of the following type and quantity of air contaminants: 13.50 tons of carbon monoxide, 38.97 tons of nitrogen oxides, 38.97 tons of particulate matter, 6.59 tons of sulfur oxides, 14.22 tons of volatile organic compounds and 15.08 tons of HAPs.

The proposed TVOP 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, 40 CFR Part 62 Subpart OOO, 40 CFR Part 63 Subpart AAAA, 40 CFR Part 60 Subpart Cf, 40 CFR Part 60 Subpart OOO and 40 CFR Part 63 Subpart ZZZZ.

A person may oppose the proposed Title V 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; email to [naharr@pa.gov](mailto:naharr@pa.gov); or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TV-63-00550) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

USA South Hills Landfill's Title V 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 USA South Hills Landfill's Title V 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 [naharr@pa.gov](mailto:naharr@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.

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**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.*

**54-00071: Van Hoekelen Greenhouses Inc./McAdoo**, 51 Lofty Road, McAdoo, PA 18237, for the operation of sources at their facility located in Kline Township, **Schuylkill County**. This is a renewal of a State-Only Operating Permit. The State-Only operating

permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**28-03068: Pennsylvania Cherry, LLC**, P.O. Box 269, Mercersburg, PA 17236-0269, to issue an initial State Only Operating Permit for the lumber drying facility located in Montgomery and Peters Townships, **Franklin County**. The potential emissions from the facility are calculated to be 36.34 tpy NO<sub>x</sub>, 79.53 tpy CO, 3.16 tpy SO<sub>x</sub>, 8.82 tpy PM<sub>-10</sub>, 7.86 tpy PM<sub>-2.5</sub>, 17.63 tpy VOC and 8.18 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

**28-03008: Edge Rubber Recycling, LLC**, 811 Progress Road, Chambersburg, PA 17201-3257, to issue a renewal of the State Only Operating Permit for the operation of the rubber tire recycling facility in the Borough of Chambersburg, **Franklin County**. The facility's potential emissions are approximately 3.33 tons of VOCs, 10.69 tpy PM<sub>-10</sub>, 3.82 tpy PM<sub>-2.5</sub>, and 3.49 tpy total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.63 and 123.13.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**OP-11-00283: Portage Area School District**, 84 Mountain Ave., Portage, PA 15946-1809. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue a renewal Synthetic Minor Operating Permit for operation of the Portage Area Elementary/Junior-Senior High School in Portage Borough, **Cambria County**.

Equipment at this facility includes a 9.1 MMBtu/hr tri-fuel boiler which burns primarily coal, two (2) natural gas-fired boilers rated at 6.75 MMBtu/hr each, two (2) natural gas-fired boilers rated at 2.5 MMBtu/hr each, and a natural gas-fired emergency generator, and a diesel-fired emergency generator. Potential emissions from the emission sources at this facility are based on operation for 8,760 hours per year for all sources except for the tri-fuel boiler which is restricted to burning 2,160 tons of coal per year and the emergency generators which have a 500 hours per year operating limit. Emissions are estimated to be 20.8 tons per year NO<sub>x</sub>, 2.0 tons per year VOCs, 19.8 tons per year CO, 50.3 tons per year SO<sub>2</sub>, 7.5 tons per year particulate matter less than ten microns, 1.6 tons per year HCl, 0.2 ton per year HF, 1.8 tons per year total HAP, and 14,874 tons per year GHG.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 11-00283) 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.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**25-00944: PHB, Incorporated Die Casting Division**, 7900 West Ridge Road, Fairview, PA 16415. The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for operation of the Die Casting Division facility owned by PHB, Incorporated located in Fairview Township, **Erie County**. The facility operates die casting presses to manufacture zinc and aluminum components for the automotive and electronics industries. The primary emission sources include zinc and aluminum casting operations, zinc and aluminum melt furnaces, miscellaneous boilers, shot blasting, grinding operations, parts washers, and emergency generator engines. The potential emissions of the primary pollutants from the facility are as follows: 45.02 TPY PM<sub>10</sub>, 42.12 TPY PM<sub>2.5</sub>, 34.14 TPY NO<sub>x</sub>, 0.30 TPY SO<sub>x</sub>, 26.55 TPY CO, and 4.91 TPY VOC; thus, the facility is a natural minor. The sprinkler system diesel generator and plant lighting generators are subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary RICE. The natural gas emergency generator for offices is subject to 40 CFR 60 Subpart JJJJ, NSPS for Stationary Spark Ignition ICE. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**32-00387: Rosebud Mining Company Crooked Creek Coal Preparation Plant**, 301 Market Street, Kittanning, PA 16201, the Department intends to issue an initial State Only Operating Permit for operating of a coal preparation plant located in Washington Township, **Indiana County**. The subject facility consists of stock-

piles, conveyors, screens, a crusher, transfer points, magnetite storage, wet coal preparation plant, raw feed, clean coal, coarse and filter cake refuge storage, load-in and load-out truck, load-out for rail and an emergency generator for the mine. Emissions from the facility are based on the coal throughput limit, hours of operating, and AP-42 emission factors. The facility has the potential to emit 167.8 TPY PM, 53.83 TPY PM<sub>10</sub>, and less than 1 TPY for all other criteria pollutants. The facility is a natural minor and is subject to State and Federal Regulations (40 CFR Part 60 Subpart Y and IIII). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Oldcastle APG Northeast, Inc.** (800 Uhler Road, Easton, PA 18040-6671) for their facility located in Forks Twp., **Northampton County**. This Plan Approval No. **48-00093B** will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00093B is for the installation and operation of an existing aggregate rotary dryer with cooler rated at 100 TPH. Particulate emissions generated during sand and stone aggregate drying operations are controlled by two baghouses. The facility is subject to 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The particulate emissions from the baghouses shall not exceed the BAT standard of 0.02 grain/dscf and will meet BAT requirements for this source. BAT for the emissions of NO<sub>x</sub> and CO from the rotary dryer is established at 0.10 lb/MMBtu, and 0.122 lb/MMBtu, respectively. This plan approval also corrects an error to redesignate the existing block plant fabric collector ID as C01. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit

No. 48-00093A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environment Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
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. 56951301 and NPDES Permit No. PA0214850, RoxCoal, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, to renew the permit and related NPDES Permit for Augustus Mine in Shade and Stonycreek Townships, **Somerset County**. No additional discharges. The application was considered administratively complete on November 16, 2021. Application received: October 12, 2021.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 07920101 and NPDES No. PA0599581, RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, (formerly E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722), permit transfer of a bituminous surface mine



in Allegheny Township, **Blair County**, affecting 474.0 acres. Receiving streams: unnamed tributaries to/and Sugar Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2021.

**Permit No. 11050101 and NPDES No. PA0249718, RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, (formerly E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722), permit transfer and renewal of a bituminous surface and auger mine in Cresson Township, **Cambria County**, affecting 197.7 acres. Receiving stream: unnamed tributary to Bear Rock Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Lilly Borough surface water intake on Bear Rock Run, PWS No. 4110046. Application received: November 19, 2021.

**Permit No. 56130107 and NPDES No. PA0269484, Coal Loaders, Inc.**, 210 East Main Street, Ligonier, PA 15658, permit revision for both the erosion and sediment control plan and the NPDES permit of a bituminous surface & auger mine in Jenner Township, **Somerset County**, affecting 312.1 acres. Receiving streams: unnamed tributaries to/and Two Mile Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is the Quemahoning Reservoir for the Cambria-Somerset authority. Application received: November 23, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 49851603, Pac 23 Mining Company, Inc.**, 6370 SR 61, Shamokin, PA 17872, renewal of an existing anthracite coal preparation plant operation in Ralpho Township, **Northumberland County**, affecting 9.1 acres. Receiving stream: Shamokin Creek, classified for the following uses: WWF and MF. Application received: November 17, 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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, (Contact: Ashley Smith).*

**NPDES No. PA0257389 (Mining Permit No. 08100302), Johnson Quarries, Inc.**, P.O. Box 136, LeRaysville, PA 18829, renewal of an NPDES permit for a large noncoal (industrial minerals) mining site located in Stevens Township, **Bradford County**, affecting 127.9 acres. Receiving stream(s): Unnamed Tributary to Wyalusing Creek and Rockwell Creek classified for the following use(s): WWF. Application received: November 17, 2021.

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).*

**Permit No. 03020402, Allegheny Mineral Corp**, P.O. Box 1022, Kittanning, PA 16201. Three year not-started surface mine permit renewal application for a noncoal surface mine, located in West Franklin Township, **Armstrong County**, affecting 160.8 acres. Receiving streams: unnamed tributary and Buffalo Creek classified for the following use: HQ-TSF. Renewal application received: November 24, 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*

*Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.*

**NPDES No. PA0259675 (Permit No. 10150101). K & A Mining**, 119 Atwell Lane, Kennerdell, PA 16374. Transfer of an NPDES permit for a bituminous surface mine in Marion Township, **Butler County**, affecting 48.0 acres. Receiving streams: unnamed tributaries to Blacks Creek, Blacks Creek classified for the following uses: CWF. TMDL: Blacks Creek. Application received: October 21, 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 unnamed tributaries to Blacks Creek, Blacks Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N
004	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.

The following outfalls discharge to unnamed tributaries to Blacks Creek, Blacks Creek:

<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.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.*

**NPDES No. PA0256421 (Mining Permit No. 17060110). Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833. Renewal of an NPDES permit for discharge of water resulting from surfacing mining of bituminous coal in Bloom and Penn Townships, **Clearfield County**, affecting 361.9 acres. Receiving stream(s): Bell Run, classified for the following use(s): CWF, MF and HQ-CWF. Application received: October 5, 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 unnamed tributaries to Bell Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	Existing	Treatment Basin 2	Intermittent (Pumped)
003	Existing	Treatment Basin 3	Intermittent (Pumped)
004	Existing	Sedimentation Basin A	Precipitation Induced
005	Existing	Sedimentation Basin B	Precipitation Induced
006	Existing	Sedimentation Basin C	Precipitation Induced
007	Existing	Sedimentation Basin D	Precipitation Induced
008	Existing	Sedimentation Basin E	Precipitation Induced

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 002 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/L)	2.3	4.6	5.7
Manganese (mg/L)	1.5	3.0	3.7
Aluminum (mg/L)	1.1	2.2	2.7
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

*Outfalls: 003 (All Weather Conditions)*  
*Parameter*

	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	2.9	5.8	7.0
Manganese (mg/L)	1.9	3.8	4.7
Aluminum (mg/L)	1.4	2.8	3.5
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Outfalls: 004 and 005 (All Weather Conditions)*  
*Parameter*

	<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)	1.5	3.0	3.7
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Outfalls: 006—008 (Dry Weather Conditions)*  
*Parameter*

	<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)		Report	
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Outfalls: 006—008 (≤10-yr/24-hr Precip. Event)*  
*Parameter*

	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	N/A	N/A	7.0
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Outfalls: 006—008 (>10-yr/24-hr Precip. Event)*

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
 Alkalinity must exceed acidity at all times.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.*

**NPDES Permit No. PA0225606 (on PA DEP Bureau of Conservation and Restoration Contract No. M91:10-101-1). Stoudt's Ferry Preparation Co., Inc., 68 Mush Dahl Road, New Ringgold, PA 17960, renewal of NPDES Permit in Upper Providence Township, Montgomery County, affecting 44.5 acres. Receiving stream: Schuylkill River Watershed, classified for the following use: CWF. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 for listed parameters in addition to the limits identified in Table 2. Application received: August 30, 2021.**

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		<i>Type</i>	
SP01	No		Pitwater/Stormwater	
<i>Outfalls: SPO1 Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor & Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor & Report	

<i>Outfalls: SPO1</i> <i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD)		0.45	1.44	
Total Iron (mg/L)		3.0	6.0	7.0
Total Manganese (mg/L)		2.0	4.0	5.0
Total Aluminum (mg/L)		0.75	0.75	0.75
Specific Conductivity (µmhos/cm)			Monitor & Report	

<sup>1</sup> This Parameter is applicable at all times.

*Noncoal NPDES Draft Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.*

**NPDES No. PA0269646 (Mining Permit No. 08120307). Glenn O. Hawbaker, Inc.,** 1952 Waddle Road, State College, PA 16803. Modification of an NPDES permit for discharge of water resulting from surface mining of industrial minerals in Athens Township, **Bradford County**, affecting 77.0 acres. Receiving stream(s): Unnamed tributary to Buck Creek classified for the following use(s): WWF. Application received: March 1, 2021.

The following outfalls discharge to unnamed tributary to Buck Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Stormwater	Precipitation Induced
002	Existing	Stormwater	Precipitation Induced
003	New	Stormwater	Precipitation Induced

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001—003 (Dry Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</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: 001—003 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</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 (>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. PA0225983 (Mining Permit No. 45880301). Tarheel Quarry, LLC,** P.O. Box 900, Blakelslee, PA 18610, new NPDES Permit in Tobyhanna Township, **Monroe County**, affecting 406.0 acres. Receiving stream: unnamed tributary to Lehigh River Watershed classified for the following use: HQ. 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: January 29, 2019.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Yes	Stormwater

The following limits apply to dry weather discharges from the previously listed stormwater facility.

<i>Parameter</i>	<i>Minimum</i>	<i>30 Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</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
Total Iron (mg/L)			Report	
Total Manganese (mg/L)			Report	
Total Aluminum (mg/L)			Report	
Oil and Grease (mg/L)			Report	
Turbidity (NTU)		40.0	80.0	100.0

The following alternate discharge limitations apply to discharges from the stormwater facilities previously listed resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event.

<i>Parameter</i>	<i>Minimum</i>	<i>30 Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Report	



<i>Parameter</i>	<i>Minimum</i>	<i>30 Day Average</i>	<i>Daily Maximum Report</i>	<i>Instantaneous Maximum</i>
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)				
Net Alkalinity (mg/L)	0.0			
Total Settleable Solids (mL/L)				0.5
Turbidity (NTU)				100.0

<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)).**

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E4129221-018: EQT ARO, LLC**, 33 West Third Street, Suite 300, Williamsport, PA 17701. Mallory Pads A, B & C Gathering Pipeline in Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain three (3) pipelines of various sizes (24" steel gas line, 16" plastic underground waterline and an 8" flexsteel gas line), each approximately 122,670 linear feet in length within permanent and temporary right-of-ways in Plunketts Creek Township—Lycoming County.

The project will result in a total of 39 LF (304 SF) of permanent and 284 LF (2,571 SF) of temporary stream impacts, 2,649 SF (0.0608 acre) of permanent and 23,432 SF (0.5379 acre) of temporary floodway impacts and 702 SF (0.0161 acre) of permanent and 12,034 SF (0.2763 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus Shale well development.

**Stream Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</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>
Channel 3A	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	56	743	15	128	41.454180° 76.812259°
Channel 11	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	124	511	13	112	41.457353° 76.798454°
Channel 14	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	115	208	9	31	41.458493° 76.800617°
Channel 16	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	106	299			41.457440° 76.797467°
TOTAL IMPACTS					401	1,761	37	271	

**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>
Wetland 31	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild		53			41.457610° 76.797061°
Wetland 32	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PFO; EV	Class A Wild		43			41.457307° 76.798118°
Wetland 33	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PFO; EV	Class A Wild		1,313		316	41.457337° 76.798566°
Wetland 34	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild		8,888		1,264	41.458416° 76.800540°
Wetland 68	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild		21			41.457693° 76.807330°
Wetland 69	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild		107			41.458576° 76.802592°
TOTAL IMPACTS						10,425		1,580	

**Floodway Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</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>
Channel 3A	Plunketts Crk. Barbours	Pipeline & Workspace		6,092		1,077	41.454180° 76.812259°
Channel 11	Plunketts Crk. Barbours	Pipeline & Workspace		6,607		1,011	41.457353° 76.798454°
Channel 14	Plunketts Crk. Barbours	Pipeline & Workspace		3,157		382	41.458493° 76.800617°
Channel 15	Plunketts Crk. Barbours	Pipeline & Workspace		88			41.458324° 76.800652°
Channel 16	Plunketts Crk. Barbours	Pipeline & Workspace		1,382		192	41.457535° 76.797636°
TOTAL IMPACTS				17,326		2,662	

**E0829221-023: Regency Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Leroy Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12-inch steel gas line and a temporary timber mat bridge impacting 102 linear feet of Little Schrader Creek (EV, MF), 3,455 square feet of its channel/floodway and impacting 117 square feet of an adjacent Palustrine Emergent Wetland (EV) (Leroy, PA Quadrangle, Latitude: 41.62954°, Longitude: -76.73158°);

The project will result in 102 linear feet of temporary stream impacts, 1,893 square feet (0.043 acre) of floodway impacts and 117 square feet (0.003 acre) of temporary PEM impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Leroy Township, Bradford County.

**E4129221-017: EQT ARO, LLC**, 33 West Third Street, Suite 300, Williamsport, PA 17701. Wallis Run Valve to Mallory Group Pad A Pipeline in Cascade & Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain three (3) pipelines of various sizes (24" steel gas line, 16" plastic underground waterline and an 8" flexsteel gas line), each approximately 10,500 linear feet in length within permanent and temporary right-of-ways in Cascade and Plunketts Creek Township—Lycoming County.

The project will result in a total of 39 LF (304 SF) of permanent and 284 LF (2,571 SF) of temporary stream impacts, 2,649 SF (0.0608 acre) of permanent and 23,432 SF (0.5379 acre) of temporary floodway impacts and 702 SF (0.0161 acre) of permanent and 12,034 SF (0.2763 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus Shale well development.

**Stream Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</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>
UNT3 EB Wallis Run	Cascade Barbours	Pipeline & Workspace	HQ; EV	Wild	122	1,490	12	120	41.447514° 76.845044°
UNT1 Engle Run	Cascade Barbours	Pipeline & Workspace	EV	Class A Wild	56	338	9	53	41.458560° 76.831946°
Engle Run Channel 1	Plunketts Crk. Barbours	Pipeline & Workspace	EV	Class A Wild	54	430	9	76	41.458455° 76.831891°
Engle Run Channel 1A	Plunketts Crk. Barbours	Pipeline & Workspace	EV	Class A Wild	52	313	9	55	41.458455° 76.831891°
TOTAL IMPACTS					284	2,571	39	304	

**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>
Wetland 1A	Cascade Barbours	Pipeline	PEM; EV	Class A Wild	80	1,648			41.452029° 76.833989°
Wetland 2	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PSS; EV	Class A Wild	58	1,741	30	91	41.458485° 76.826419°
Wetland 3A	Cascade Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild	101	4,447	24	215	41.447046° 76.844775°
Wetland 4A	Cascade Barbours	Workspace	PEM; EV	Class A Wild	47	1,127			41.448018° 76.845445°
Wetland 47	Cascade Barbours	Pipeline & Aerial TAWGL	PFO; EV	Class A Wild	56	2,727	44	396	41.458559° 76.832002°
Wetland 63	Cascade Barbours	Pipeline	PEM; EV	Class A Wild		344			41.445754° 76.842559°
TOTAL IMPACTS					342	12,034	98	702	

**Floodway Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</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>
UNT3 EB Wallis Run	Cascade Barbours	Pipeline & Workspace	140	14,845	109	980	41.447514° 76.845044°
UNT1 Engle Run	Cascade Barbours	Pipeline & Workspace	56	2,883	66	592	41.458560° 76.831946°
Engle Run Channel 1	Plunketts Crk. Barbours	Pipeline & Workspace	59	3,199	62	556	41.458455° 76.831891°
Engle Run Channel 1A	Plunketts Crk. Barbours	Pipeline & Workspace	52	2,505	58	521	41.458455° 76.831891°
TOTAL IMPACTS			307	23,432	295	2,649	

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101; Email: RA-EPREGIONAL PERMIT@pa.gov.

**E6383221-012. Columbia Gas Transmission, LLC**, 1700 MacCorkle Ave SE, Charleston, WV 25314, North Strabane Township & South Strabane Township, **Washington County**, U.S. Army Corps of Engineers, Pittsburgh District.

To repair, stabilize and maintain two soil slips along the right-of-way of an existing natural gas transmission pipeline associated with the Line 1570 Phase 2 Slips Repair Project. The first soil slip repair impacts the floodway of a UNT to Chartiers Creek (WWF). The second soil slip repair impacts wetlands within the Little Chartiers Creek Watershed (HQ-WWF). Work involves excavation, placement of structural fill, and the installation of a vegetated channels, french drains, riprap apron outfalls, and other appurtenant facilities.

The proposed project impacts include a total of 102 feet of temporary impacts and 10 feet of permanent impacts to UNT to Chartiers Creek (WWF); 0.31 acre temporary impacts and 0.01 acre of permanent impacts to floodway; 0.03 acre of temporary impacts to PEM wetlands; and 0.14 acre of permanent impacts to PEM wetlands.

To compensate for the proposed permanent project impacts, Applicant is proposing to purchase 0.14 mitigation credits at the Enlow Fork Mitigation Bank from the First Pennsylvania Resource, LLC.

The project is located 0.32 mile southwest of Hill Church Houston Road (Latitude: 40.239342°; Longitude: -80.199975°) in North Strabane Township, and 0.2 mile east of Quarry Rd (Latitude: 40.173472°; Longitude: -80.189772°) in South Strabane Township, Washington 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@pa.gov.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES\_NWRO@pa.gov.*

*DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES\_Permits@pa.gov.*

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.



**I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0281824	CAFO Individual NPDES Permit	Issued	Darvin N Martin 8245 Holbens Road New Tripoli, PA 18066	Weisenberg Township Lehigh County	SCRO
PABIS2201	Individual Site Permit for Beneficial Use of Biosolids by Land Application	Issued	Synagro Central, LLC 4220 Interchange Road Lehighton, PA 18235	Franklin Township Carbon County	NERO
PAS208302	Industrial Stormwater Individual NPDES Permit	Issued	Keystone Powdered Metal Co. 251 State Street Saint Marys, PA 15857-1658	Lewis Run Borough McKean County	NWRO
0610202	Industrial Waste Individual WQM Permit	Issued	Exide Environmental Response Trust One World Trade Center 8th Floor Long Beach, CA 90802	Muhlenberg Township Berks County	SCRO
0921829	Joint DEP/PFBC Pesticides Permit	Issued	Miller Ellen 1543 Sweet Briar Road Ottsville, PA 18942	Bedminster Township Bucks County	SERO
3613201	Manure Storage Facilities Individual WQM Permit	Issued	Rohrer Dairy Farm LLC 124 Charlestown Road Washington Boro, PA 17582-9669	Manor Township Lancaster County	SCRO
PA0083941	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Comm Refuse Service LLC 620 Newville Road Newburg, PA 17240	Hopewell Township Cumberland County	SCRO
PA0014672	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Exide Environmental Response Trust One World Trade Center 8th Floor Long Beach, CA 90802	Muhlenberg Township Berks County	SCRO
PA0244864	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Warminster Municipal Authority Bucks County 415 Gibson Avenue Warminster, PA 18974-4163	Warminster Township Bucks County	SERO
PA0034754	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	GSP Management Co. P.O. Box 677 Morgantown, PA 19543-0677	Halifax Township Dauphin County	SCRO
PA0111970	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Springbrook Family Campground 675 Numidia Drive Catawissa, PA 17820-8019	Locust Township Columbia County	NCRO
PA0027952	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	HMShost Corp P.O. Box 8 Middletown, PA 17057-0008	South Londonderry Township Lebanon County	SCRO
0676209	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Exide Environmental Response Trust One World Trade Center 8th Floor Long Beach, CA 90802	Muhlenberg Township Berks County	SCRO

## 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>
5695201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Somerset Borough Municipal Authority Somerset County 347 W Union Street P.O. Box 71 Somerset, PA 15501-1543	Somerset Township Somerset County	SWRO
NOEX13402	No Exposure Certification	Issued	FEDEX 3620 Hacks Cross Road Bldg B, 2nd Floor Memphis, TN 38125-8800	Pittston Township Luzerne County	NERO
NOEXSE109	No Exposure Certification	Issued	GXO Warehouse Co. Inc. 2201 Green Lane Levittown, PA 19057	Bristol Township Bucks County	SERO
NOEXSE168	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE169	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE170	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE171	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE173	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bensalem Township Bucks County	SERO
PAG048998	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Laurie & Michael Nicholson 6473 Heidler Road Fairview, PA 16415-2103	Fairview Township Erie County	NWRO
PAG120001	PAG-12 NPDES General Permit for CAFOs	Issued	McMichael Custom Spreading, LLC 791 Street Road Oxford, PA 19363-1135	Lower Oxford Township Chester County	SCRO
PAG123545	PAG-12 NPDES General Permit for CAFOs	Issued	Hershey Ag Services 138 Airport Road Marietta, PA 17547-9105	South Londonderry Township Lebanon County	SCRO
PAG123609	PAG-12 NPDES General Permit for CAFOs	Issued	L & W Farms, LLC 4251 Fletcher Drive Greencastle, PA 17225-8372	Antrim Township Franklin County	SCRO
PAG123664	PAG-12 NPDES General Permit for CAFOs	Issued	Martin Nelson W 1850 Horseshoe Pike Annville, PA 17003-8831	South Annville Township Lebanon County	SCRO
PAG123739	PAG-12 NPDES General Permit for CAFOs	Issued	Hidden Acres Farms, LLC 2115 Rohrer Road Manheim, PA 17545-9136	Rapho Township Lancaster County	SCRO
PAG123763	PAG-12 NPDES General Permit for CAFOs	Issued	Hillandale Gettysburg, LP 3910 Oxford Road Gettysburg, PA 17325-8367	Tyrone Township Adams County	SCRO
PAG123784	PAG-12 NPDES General Permit for CAFOs	Issued	Todd Chestnut 50 Eberly Road Newville, PA 17241-8509	Upper Mifflin Township Cumberland County	SCRO
PAG123790	PAG-12 NPDES General Permit for CAFOs	Issued	Carl G & John G Myer 292 Elm Road Lititz, PA 17543-9450	Penn Township Lancaster County	SCRO
PAG123795	PAG-12 NPDES General Permit for CAFOs	Issued	Pigeon Hill Farms, LLC 9078 Orchard Road Spring Grove, PA 17362-8651	Jackson Township York 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>
PAG123802	PAG-12 NPDES General Permit for CAFOs	Issued	Green Valley Swine, LLC 6 S Broad Street Lititz, PA 17543-1402	North Codorus Township York County	SCRO
PAG123804	PAG-12 NPDES General Permit for CAFOs	Issued	Martin Michael D 2050 W Main Street Ephrata, PA 17522-1114	Clay Township Lancaster County	SCRO
PAG123831	PAG-12 NPDES General Permit for CAFOs	Issued	Franklin Family Farms, Inc. 419 W High Street Elizabethtown, PA 17022-2143	Lurgan Township Franklin County	SCRO
PAG123844	PAG-12 NPDES General Permit for CAFOs	Issued	North Mountain Gobbler 8310 Fort McCord Road Chambersburg, PA 17202	Dublin Township Fulton County	SCRO
PAG123880	PAG-12 NPDES General Permit for CAFOs	Issued	Runk Dallas W 2823 Farm House Lane James Creek, PA 16657	Lincoln Township Huntingdon County	SCRO
PAG123882	PAG-12 NPDES General Permit for CAFOs	Issued	Rohrer Dairy Farm LLC 124 Charlestown Road Washington Boro, PA 17582-9669	Manor Township Lancaster County	SCRO
PAG124803	PAG-12 NPDES General Permit for CAFOs	Issued	BDS Farms, LLC 282 Troup Road Beaver Springs, PA 17812-9249	Spring Township Snyder County	SCRO
PAG124805	PAG-12 NPDES General Permit for CAFOs	Issued	David N & Mary L Groff 262 Pawling Road Lewisburg, PA 17837-7311	Kelly Township Union County	SCRO
PAG124814	PAG-12 NPDES General Permit for CAFOs	Issued	Snook Michael S 1510 White Church Road Middleburg, PA 17842-9343	Franklin Township Snyder County	SCRO
PAG124832	PAG-12 NPDES General Permit for CAFOs	Issued	Lapp Emmanuel L 322 Hatchery Road Dalmatia, PA 17017-8210	Lower Mahanoy Township Northumberland County	SCRO
1500414	Sewage Land Application Individual WQM Permit	Issued	Aqua PA Wastewater, Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	East Bradford Township Chester County	SERO
2594413	Sewage Treatment Facilities Individual WQM Permit	Issued	MJO Real Estate, LLC 10085 Route 19 Waterford, PA 16441	Waterford Township Erie County	NWRO
4321410	Sewage Treatment Facilities Individual WQM Permit	Issued	Leonard John A 864 Vernon Road Greenville, PA 16125-8643	West Salem Township Mercer County	NWRO
6721402	Sewage Treatment Facilities Individual WQM Permit	Issued	Gotwalt Michael A 1308 Carl Park Lane Vero Beach, FL 32963	Warrington Township York County	SCRO
0275407	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Deer Creek Drainage Basin Authority P.O. Box 158 2400 Freeport Road Cheswick, PA 15024-0158	Harmar Township Allegheny County	SWRO
PA0239691	Single Residence STP Individual NPDES Permit	Issued	Brugger Carl R 6194 Cobblestone Drive Erie, PA 16509-7802	Springfield Township Erie County	NWRO
PA0253260	Single Residence STP Individual NPDES Permit	Issued	Berdine Henry 559 Zediker Station Road Washington, PA 15301-3169	South Strabane Township Washington County	SWRO

## 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>
PA0263605	Single Residence STP Individual NPDES Permit	Issued	Hamilton Adam 23866 State Highway 408 Cambridge Springs, PA 16403	Rockdale Township Crawford County	NWRO
PA0264300	Single Residence STP Individual NPDES Permit	Issued	Nosko Travis M 1944 Buxton Road Titusville, PA 16354-7402	Cherrytree Township Venango County	NWRO
PA0281761	Single Residence STP Individual NPDES Permit	Issued	Gotwalt Michael A 1308 Carl Park Lane Vero Beach, FL 32963	Warrington Township York County	SCRO
PA0289370	Single Residence STP Individual NPDES Permit	Issued	Chad & Kaylynne Williams 4000 Wagner Road Erie, PA 16509-4240	McKean Township Erie County	NWRO
PA0289680	Single Residence STP Individual NPDES Permit	Issued	Leonard John A 864 Vernon Road Greenville, PA 16125-8643	West Salem Township Mercer County	NWRO
2521411	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Chad & Kaylynne Williams 4000 Wagner Road Erie, PA 16509-4240	McKean Township Erie County	NWRO
PA0104035	Small Flow Treatment Facility Individual NPDES Permit	Issued	Bernard & Virginia Safford d/b/a Daily Bread Cafe 2906 Route 155 Port Allegany, PA 16743-4918	Liberty Township McKean County	NWRO
PA0221503	Small Flow Treatment Facility Individual NPDES Permit	Issued	MJO Real Estate, LLC 10085 Route 19 Waterford, PA 16441	Waterford Township Erie County	NWRO
PA0263796	Small Flow Treatment Facility Individual NPDES Permit	Issued	Rylands Robert J Jr 4850 Middle Road Allison Park, PA 15101-1118	Tionesta Township Forest County	NWRO
WQG018310	WQG-01 WQM General Permit	Issued	Laurie & Michael Nicholson 6473 Heidler Road Fairview, PA 16415-2103	Fairview Township Erie County	NWRO
WQG018714	WQG-01 WQM General Permit	Issued	Hamilton Adam 23866 State Highway 408 Cambridge Springs, PA 16403	Rockdale Township Crawford County	NWRO
WQG02102101	WQG-02 WQM General Permit	Issued	Breakneck Creek Region Authority 1166 Mars Evans City Road Mars, PA 16046-2216	Adams Township Butler County	NWRO

## II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC350122	PAG-02 General Permit	Issued	Peter Kolcharno & Joseph Pruzinsky 101 Chaney Drive Olyphant PA 18447	Olyphant Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086



<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>
PAC350008	PAG-02 General Permit	Issued	MJ Development, LLC 944 Underwood Road Olyphant, PA 18447-2614	Olyphant Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC400142 A-2	PAG-02 General Permit	Issued	Joseph Lettiere CAN DO, Inc. 1 South Church Street Hazle Township, PA 18201	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC350091 A-1	PAG-02 General Permit	Issued	Canpack US, LLC 108 Plaza Drive Suite 200 Blandon, PA 19510-9476	Olyphant Borough Jessup Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAD400037 A-2	Individual NPDES	Issued	Mericle 112 Armstrong, LLC 100 Baltimore Drive East Mountain Corporate Center Wilkes-Barre, PA 18702	Pittston Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC010183	PAG-02 General Permit	Issued	Timothy Kiick 1030 Wilson Avenue Hanover, PA 17331	Oxford Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC070100	PAG-02 General Permit	Issued	BS Realty, LLC 114 Vision Drive Duncansville, PA 16635	Allegheny Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC210260	PAG-02 General Permit	Issued	Silver Spring Township Authority 5 Willow Mill Park Road Ste 3 Mechanicsburg, PA 17050	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC220032 Renewal	PAG-02 General Permit	Issued	Brendon Zimmerman 2148 Deodate Road Elizabethtown, PA 17022	Conewago Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220272	PAG-02 General Permit	Issued	Integrative Green Solutions, Inc. 356 Maiden Creek Road Fleetwood, PA 19522	Washington Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC220307	PAG-02 General Permit	Issued	Susquehanna Township 1900 Linglestown Road Harrisburg, PA 17110	Susquehanna Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220148 A-1	PAG-02 General Permit	Issued	Jason T. Serrano 1050 Mountain View Road Harrisburg, PA 17110	Middle Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC310023	PAG-02 General Permit	Issued	Campground LLC 5985 West Whitehall Road Pennsylvania Furnace, PA 16865	Juniata Township Huntingdon County	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 814.627.1627
PAC670520	PAG-02 General Permit	Issued	Harold Deardorff P.O. Box 368 Lewisberry, PA 17339	Newberry Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670480	PAG-02 General Permit	Issued	JLS Automation LLC 20 Innovation Drive York, PA 17402	Springettsbury Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670506	PAG-02 General Permit	Issued	York College of Pennsylvania 441 Country Club Road York, PA 17403	Spring Garden Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670499	PAG-02 General Permit	Issued	Ed Ommert & Allen Shipley P.O. Box 31 Spring Grove, PA 17362	North Codorus Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670500	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	Hanover Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670517	PAG-02 General Permit	Issued	Brookside LLC 1454 Baltimore Street Suite A Hanover, PA 17331	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAD240008	Individual NPDES	Issued	Charles J Merlo Inc 234 Merlo Road Mineral Point, PA 15942	Jones Township Elk County	NWRO
PAC320051	PAG-02 General Permit	Issued	Highridge Water Authority 17 Maple Avenue Blairsville, PA 15717	East Wheatfield Township Indiana County	Indiana County Conservation District 435 Hamill Road Indiana, PA 15701 724-471-4751
PAC680044	PAG-02 General Permit	Issued	Robindale Energy Services, Inc. 224 Grange Hall Road P.O. Box 228 Armagh, PA 15920	Vintondale Borough Cambria County	PA DEP BAMR Cambria Office 286 Industrial Park Road Ebensburg, PA 15931 814.472.1800

### 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>
Randy Weaver 3884 Smaltz Road Womelsdorf, PA 19567	Berks	181.7	913.44	Poultry, Layer	NA	Approved
Weiler Farms Partnership— Weiler Farm 1 350 East Mill Avenue Myerstown, PA 17067	Lebanon	126.7	605.75	Swine	NA	Approved
Weiler Farms Partnership— Weiler Farm 3 239 Ridge Road Jonestown, PA 17038	Lebanon	152.1	999.49	Swine	Trout Run—HQ	Approved

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

*Northeast Region: Safe Drinking Water, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**Permit No. 3390065, Operation Permit**, Public Water Supply.

Applicant	<b>South Whitehall Township</b> 4444 Walbert Avenue Allentown, PA 18104
Municipality	South Whitehall Township
County	<b>Lehigh</b>
Type of Facility	Public Water Supply
Consulting Engineer	Darryl A. Jenkins, P.E. Spotts, Stevens and McCoy 1047 North Park Road P.O. Box 6307 Reading, PA 19610
Permit Issued	November 23, 2021

**Permit No. 2660603, Operations Permit**: Public Water Supply.

Applicant	<b>Scranton Hospital Company, LLC</b> <b>Regional Hospital of Scranton</b> 746 Jefferson Avenue Scranton, PA 18510
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Township	Tunkhannock Township
County	<b>Wyoming</b>
Type of Facility	PWS
Consulting Engineer	NA
Permit to Operate Issued	November 5, 2021

*Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Construction Permit No. 3621521**, Public Water Supply.

Applicant	<b>Robert Fulton Fire Company</b> P.O. Box 8 Peach Bottom, PA 17563
Municipality	Fulton Township
County	<b>Lancaster</b>
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit Issued	November 15, 2021
Description	Install new nitrate treatment, acid neutralizer, and UV unit to replace the existing equipment.

**Construction Permit No. 0621522**, Public Water Supply.

Applicant	<b>M &amp; G Realty, Inc.</b> 2100 North George Street York, PA 17404
Municipality	Maxatawny Township
County	<b>Berks</b>
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit Issued	November 22, 2021
Description	Permit for a proposed new convenience store and associated water system. The proposed water system will include a new well, cation exchange, reverse osmosis, 4-log chlorination with an online chlorine analyzer, storage, and pumping.

**Operation Permit No. 0719501** issued to: **Borough of Tyrone (PWS ID No. 4070021)**, 1100 Logan Avenue, Tyrone, PA 16686, Tyrone Borough, **Blair County** on November 15, 2021 for facilities approved under Construction Permit No. 0719501. Operation of a new chlorine booster station and the replacement of existing watermains.

**Operation Permit No. 3621518** issued to: **Western Heights Water Authority (PWS ID No. 7360132)**, 517 North Railroad Avenue, New Holland, PA 17557, Earl Township, **Lancaster County** on November 17, 2021 for facilities approved under Construction Permit No. 3621518. Removal and discontinuation of the previously permitted nitrate treatment.



**Operation Permit No. 6721511 MA** issued to: **PA DCNR—Bureau of State Parks (PWS ID No. 7670801)**, RCSOB 8th Floor, 400 Market Street, Harrisburg, PA 17105, Warrington Township, **York County** on November 17, 2021 for facilities at Gifford Pinchot State Park approved under Construction Permit No. 6721511 MA.

*Northcentral Region: Safe Drinking Water Program, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1921501MA, Major Amendment.** Public Water Supply.

Applicant	<b>Benton Municipal Water and Sewer Authority</b> P.O. Box 516 Benton, PA 17814
Borough	Benton Borough
County	<b>Columbia</b>
Type of Facility	Public Water Supply
Consulting Engineer	Robert Kerns, P.E. Entech Engineering, Inc. 201 Penn Street Suite 300 P.O.Box 32 Reading, PA 19603
Permit Issued	November 23, 2021

**Operations Permit** issued to: **Shamokin Dam Borough**, 42 West 8th Avenue, P.O. Box 273, Shamokin Dam, PA 17876, PWSID No. 4550022, Shamokin Dam Borough, **Snyder County** on November 24, 2021 for the operation of facilities approved under construction permit # 5521501MA. This permit authorizes operation of: (1) Automatic shut off valve on the outlet of the 1,000,000-gallon finished water reservoir. (2) Flow meter, chlorine analyzer, pH and temperature probes for monitoring entry point 100 (EP100) on the outlet of the 1,000,000-gallon finished water reservoir. (3) Flow meter, chlorine analyzer, pH and temperature probes for monitoring EP101 on the outlet of the 250,000-gallon elevated water storage tank.

Contact: *Edie M. Gair, P.G., (570) 327-3779.*

**Brookside Village Mobile Home Park (Public Water Supply)**, 107 Skyline Drive, Berwick, PA 18603-5369, North Centre Township, **Columbia County**. On November 19, 2021, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Brookside Village Mobile Home Park 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.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

*Southcentral Region: Clean Water Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Plan Location:*

Township	Township Address	County
Dublin Township	21347 Main Street Shade Gap, PA 17255	Huntingdon County

*Plan Description:*

Approval of a revision to the official plan of Dublin Township, Huntingdon County. The project is known as **Rosalie Moulton Property SFTF**. The plan provides for the installation of a small flow treatment facility with a discharge on the property into a drainage channel to Trout Run, to replace a failing on-lot sewage disposal system for a single-family dwelling on a 1.31-acres lot. The property is located at 23053 Tannery Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is B3-31914-136-3s and the APS Id is 1046718. Any permits must be obtained in the name of the property owner.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.*

**Audi West Chester**, 1421 Wilmington Pike, West Chester, PA 19382, 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 Final Report concerning remediation of site soil contaminated with heating oil constituents. The report is intended to document remediation of the site to meet the Statewide health standard.

**Ivy Pattison Property, LLC**, 200 Pattison Avenue, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. David Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Cynthia A. Rich, Ivy Pattison Property, LLC, 102 Chestnut Ridge Road, Suite 204, Montvale, NJ 07645 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the site-specific standard.

**ICI Americas Inc. Site**, 310 Turner Lane, West Chester, PA 19380, West Chester Township, **Delaware County**. Daniel P. Sheehan, Arcadis, U.S., Inc., Suite 820, 824 East Market Street, Wilmington, DE, 19801 on behalf of Brett Whittleton, Akzo Nobel Inc., 535 Marriott Drive, Suite 500, Nashville, TN 37214 submitted a Risk Assessment Report/Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the site-specific standard.

**388 Smithbridge Road**, 388 Smithbridge Road, Glen Mills, PA 19342, Concord Township, **Delaware County**. Joseph Diamadi, Jr, PG, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Susan M. Gallagher, 319 Buckeye Lane, West Chester, PA 19382 submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**HP Inc.—Avondale Groundwater Remediation Site**, 374 Starr Road, Landenberg, PA 19350, New Garden Township, **Chester County**. Thomas Donahue, CDM Smith Inc., 280 Granite Run Drive, Suite 160, Lancaster, PA 17601 on behalf of Christopher Dirscherl, HP Inc., 1501 Page Mill Road, Palo Alto, CA 94304 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with trichloroethylene, tetrachloroethylene, cis-1,2-dichloroethylene, acetone, 2-butanone, chloroform, ethylbenzene, methylene chloride, toluene, o-xylene, m & p-xylenes, 1,1-dichloroethylene, 1,1-dichloroethane, 1,2-dichloroethylene and 1,1,1-trichloroethane. The report is intended to document remediation of the site to meet the site-specific standard.

**Gibbons Automotive**, 600 Park Avenue, Media, PA 19063, Upper Providence Township, **Delaware County**. Val F. Britton, PG, V.F. Britton Group, LLC, 326 Conestoga Road, Wayne, PA 19087 on behalf of Michael Gibbons, Gibbons Automotive, Inc., 600 Park Avenue, Media, PA 19063 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site

soil contaminated with benzo(a)pyrene. 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.*

**900 13th Avenue**, 900 13th Avenue, Bethlehem, PA 18018, Bethlehem City, **Lehigh County**. American Analytical & Environmental, 738 Front Street, Catasauqua, PA 18032, on behalf of Edwards-Harter Realty Partnership, 900 13th Avenue, Bethlehem, PA 18018, submitted a Final Report concerning remediation of soil contaminated by heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**Former Wright's Knitwear**, 1727-1829 Union Boulevard, Allentown, PA 18109, Allentown City, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Lehigh Valley Commercial Properties, LLC, 903 Chestnut Street, Emmaus, PA 18049, submitted a Baseline Environmental Report concerning remediation of groundwater contaminated with impacted by PCE and 1,1-Dichloroethylene. The report is intended to document remediation of the site to meet Special Industrial Area Standards.

**Synthetic Thread**, 825 12th Avenue, Bethlehem, PA 18018, Bethlehem City, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Francesca Associates, LLC, 903 Chestnut Street, Emmaus, PA 18049, submitted a Final Report concerning remediation contaminated by a release of # 4 heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**BAE Systems Land Armaments L.P.**, 1100 Bairs Road, York, PA 17408, West Manchester Township, **York County**. Hydro-Terra Group, 7420 Derry Street, Harrisburg, PA 17111, on behalf of BAE Systems, 1100 Bairs Road, York, PA 17408, submitted Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The Final Report is intended to document remediation of the site to meet the residential Statewide health standard.

**Moser Farm Property**, 1320 Montgomery Avenue, Bechtelsville, PA 19505, Colebrookdale Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Hollenbach Swamp Creek Properties, LLC, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the residential Statewide health standard.

**Former Structures Facility**, 471 North Reading Road, Ephrata, PA 17520, Ephrata Township, **Lancaster County**. August Mack Environmental, 941 Wheatland Avenue, Lancaster, PA 17603, on behalf of Charmaine Garman, 529 Stevens Road, Ephrata, PA 17522, submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents and Volatile Organic Compounds. The Final Report is intended to document remediation of the site to meet the site-specific standard.

**Miller Chemical & Fertilizer, LLC**, 120 Radio Road, Hanover, PA 17331, Conewago Township, **Adams County**. Ramboll US Consulting, Inc., 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17331, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site groundwater contaminated with fertilizer. The combined report is intended to document remediation of the site to meet the site-specific standard.

**1036 Manheim Pike**, Lancaster, PA 17603, Manheim Township, **Lancaster County**. Liberty Environmental, 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of MTS Group, LLC 120 North Pointe Boulevard, Suite 201, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with heating oil from USTs. The combined Report is intended to document remediation of the site to meet the site-specific standard.

*Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Williamsport, PA 17701.*

**Brundage Property Heating Oil Release**, 613 Kansa Avenue, Furnace, PA 16865, Ferguson Township, **Centre County**. Converse Consultants, 2738 W. College Avenue, State College, PA 16801 on behalf of Jean Brundage, 613 Kansa Avenue, Furnace, PA 16865 has submitted a Final Report concerning site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**Former Harner Farm Property**, 2191 West Whitehall Road, State College, PA 16801, Ferguson Township, **Centre County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406, on behalf of Aspen Whitehall Partners, LLC and Aspen Route 26 Partners, LLC, 116 Union Avenue, Altoona, PA 16602, has submitted a Final Report concerning site soil contaminated with Arsenic. The report is intended to document remediation of the site to meet the site-specific standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-

specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.*

**3421 Aramingo Avenue**, 3421 Aramingo Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Jason Hanna, Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 330, Philadelphia, PA 19103 on behalf of Scott Montgomery, Map Real Estate, LLC, c/o Raider Hill Advisors, LLC, 25700 Science Park Drive, Suite 270, Beachwood, Ohio 44122 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with SVOCs and metals. The Report was approved by the Department on November 15, 2021.

**411 Swedeland Road Quarry 3**, 411 Swedeland Road, King of Prussia, PA 19406, Upper Merion Township/West Conshohocken Borough, **Montgomery County**. Mark Fortna Sr., Penn Environmental and Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901 on behalf of Kevin Kyle, Innovation 411 Fee Holder, LLC, 201 King of Prussia Road, Suite 501, Radnor, PA 19087 submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on November 9, 2021.

**Farabella Property**, 2301 Computer Avenue, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**. William D. Kraft III, PG, Ramboll, 101 Carnegie Center, Suite 200, Princeton, NJ 08540 on behalf of Ernest Farabella c/o Fisher Broyles, LLP, One Liberty Place, 1650 Market Street, 36th Floor, Philadelphia, PA 19103 submitted a Remedial Investigation Report concerning the remediation of site groundwater



contaminated with PCE and TCE. The Report was reviewed by the Department which issued a technical deficiency letter on November 10, 2021.

**Fieldstone/Ridings Spray Site**, Stable Court and Charter Club Drive, Buckingham, PA 18912, Buckingham Township, **Bucks County**. Geoff Kristof, PG, Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West Chester, PA 19382 on behalf of Stephen Clark, Buckingham Township, 4613 Hughesian Drive, P.O. Box 413, Buckingham, PA 18912 submitted a Final Report concerning the remediation of site soil contaminated with 1,2-dibromoethane. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on November 15, 2021.

**West Swamp Mennonite Church**, 2501 Allentown Road, Quakertown, PA 18951, Quakertown Borough, **Bucks County**. Alex Arcega, ACV Environmental Services, Inc., 928 East Hazelwood Avenue, Rahway, NJ 07065 on behalf of Jeffery Rice (Trustee), West Swamp Mennonite Church, 2501 Allentown Road, Quakertown, PA 19014 submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene, isopropylbenzene, naphthalene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]anthracene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene, pyrene, ethylene glycol and lead in soil. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on November 15, 2021.

*Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**1011 RT 6**, 1011 Scranton-Carbondale Highway (Route 6), Dickson City, PA 18508, Dickson City Borough, **Lackawanna County**. Partner Engineering/PSG, 100 Deerfield Lane, Suite 200, Malvern, PA 19355, on behalf of Scranton Storage LLC, 55 Broadway, 10th Floor, New York, NY 10006, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an underground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on November 24, 2021.

**Former RSM Properties**, 248 Wyoming Avenue, Scranton, PA 18503, Scranton City, **Lackawanna County**. AMO Environmental Decisions, 875 North Easton Road, Suite 10, Doylestown, PA 18902, on behalf of the City of Scranton, 340 North Washington Avenue, Scranton, PA 18503, submitted a final report concerning remediation of PCE and TCE in groundwater and PCE, TCE, arsenic, lead, vanadium, and several PAHs in soil. The Final Report demonstrated attainment of site-specific standards and was approved by DEP on November 29, 2021.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Auto One Site**, 1282 Manheim Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. BL Companies, 2601 Market Place, Harrisburg, PA 17110, on behalf of 1282 Manheim Pike LLC, 950 Smile Way, York, PA 17404, submitted a Final Report concerning remediation of site groundwater contaminated with VOCs, TCE

and PCE. The Final Report demonstrated attainment of the Background Standard and was approved by the Department on November 9, 2021.

**Former Tyco Property**, 759 Hamilton Street, Carlisle, PA 17013, Carlisle Borough, **Cumberland County**. Hull & Associates, LLC, P.O. Box 260, New Brighton, PA 15066, on behalf of Real Estate Collaborative, LLC, 53 West South Street, Suite 1, Carlisle, PA 17013 submitted a Remedial Investigation, Cleanup Plan and Final Report concerning remediation of site soil with historical contamination from VOCs and ASTs. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on November 17, 2021.

**Frampton Residence**, 699 Piper Hollow Road, Portage, PA 15946, Greenfield Township, **Blair County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of Roy and Theresa Frampton, 699 Piper Hollow Road, Portage, PA 15946, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on November 2021.

**Cornwall Pump Station**, 370 Horseshoe Pike, Lebanon, PA 17402, West Cornwall Township, **Lebanon County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Evergreen Resources Management Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with unleaded and leaded gasoline, fuel oil and kerosene. The Report was approved by the Department on November 23, 2021.

**The Steel Works, LLC**, 102, 106, 116-118, 120, 140, 154, 180, 202, 216, 220, and 230, North Front Street, Harrisburg, PA 17112, Borough of Steelton, **Dauphin County**. BL Companies, 2601 Market Place, Harrisburg, PA 17110, on behalf of Steel Works, LLC, 430 North Front Street, Wormleysburg, PA 17043, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with historic use of metals, formaldehyde and SVOCs. The combined Report was disapproved by the Department on November 18, 2021.

**Frog Switch and Manufacturing Company, Inc.**, 600 East High Street, Carlisle, PA 17013, Carlisle Borough, **Cumberland County**. Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Frog Switch and Manufacturing Company, Inc., 600 East High Street, Carlisle, PA 17013, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on November 23, 2021.

**Stumpf Field Property**, 1350 Fruitville Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of MAC Land Company, LLC, 1350 Fruitville Pike, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with waste disposal and historical fuel storage. The combined Report was disapproved by the Department on November 23, 2021.



*Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Williamsport, PA 17701.*

**Brundage Property Heating Oil Release**, 613 Kansa Avenue, Furnace, PA 16865, Ferguson Township, **Centre County**. Converse Consultants, 2738 W. College Avenue, State College, PA 16801 on behalf of Jean Brundage, 613 Kansa Avenue, Furnace, PA 16865 has submitted a Final Report concerning site soil contaminated with heating oil. The report demonstrated attainment of the Statewide health standard and was approved by the Department on November 29, 2021.

**Vancore, Inc. Project**, Interstate 80 at MM 178.6W, Mill Hall, PA 17751, Lamar Township, **Clinton County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Vancore, Inc., 430 Glendale Road, Glenview, IL 30025, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide health standard and was approved by the Department on November 10, 2021.

**Transcontinental Gas Pipe Line Co., LLC, Hydraulic Release Site**, Transco Right of Way located in Spraul State Forest, Renovo, PA 17764, Leidy Township, **Clinton County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Transcontinental Gas Pipe Line Company, LLC, 2000 Commerce Drive, Pittsburgh, PA 15275, has submitted a Final Report concerning remediation of site soil contaminated with hydraulic oil. The report demonstrated attainment of the Statewide health standard and was approved by the Department on November 29, 2021.

**COP Tract 551 B**, 5804 Bodine Mountain Road, McIntyre Township, PA 17771, McIntyre Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT ARO, LLC, 33 West Third Street, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soils contaminated with synthetic oil-based mud (SOBM). The demonstrated attainment of the Statewide health standard and was approved by the Department on November 15, 2021.

**W.L. Myers & Son, LLC, Used Motor Oil Release**, 197 Bald Top Road, Danville, PA 17821, Mahoning Township, **Montour County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of W.L. Myers & Son, LLC, 197 Bald Top Road, Danville, PA 17821, has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report demonstrated attainment of the Statewide health standard and was approved by the Department on November 29, 2021.

**Highland & York Property Heating Oil Release Cleanup**, 240 North Third Street, Lewisburg, PA 17837, Lewisburg Borough, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Highland & York, LLC, 660 Sixth Street, Northumberland, PA 17857, has submitted a Final Report concerning site soil contaminated with heating oil. The report did not demonstrate attainment of the Statewide health standard and was disapproved on November 15, 2021.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Standard Bent Glass**, 136 Lincoln Avenue, East Butler, PA 16029, East Butler Township, **Butler County**. Tetra Tech, Inc., 661 Andersen Drive, Suite 200, Pitts-

burgh, PA 15220 on behalf of SBG Holdings, Inc., 295A Delwood Road, Butler, PA 16001 has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with Antimony, Arsenic, Lead, Hexachloroethane, Trichloroethene and Manganese; site groundwater contaminated with Arsenic, Cobalt, Manganese, Thallium, Vanadium, 1,1,2-Trichloroethane, 1,1-Dichloroethene, 1,2,4-Trimethylbenzene, Benzene, cis 1,2-Dichloroethene, Trichloroethene, and Vinyl Chloride. The Remedial Investigation Report/Cleanup Plan was approved by the Department on November 30, 2021.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Renewal Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**General Permit No. WMGR066-NE002. LTC Trucking Corp.**, 2 Main Street, Port Carbon, PA 17965, Port Carbon Borough, **Schuylkill County**. A permit renewal for continued coverage under General Permit WMGR066 for the processing (collection, bulking, storage, and incidental oil/water separation) of waste oil, virgin fuel oil tank bottoms, spent antifreeze and waste oil/water mixtures prior to beneficial use. The permit renewal was approved by the Regional Office on November 23, 2021.

Persons interested in reviewing the general permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 101597 Pecks Septic Service, LLC**, 68 Pine School Road, Gardners, PA 17324, South Middleton Township, **Cumberland County**. The Municipal Waste Processing permit No. 101597 for the Pecks Septic Service was renewed on November 18, 2021, and is extended until November 25, 2031.

**Permit No. 101705 Chesapeake Waste Solutions, LLC**, 190 Shellyland Road, Manheim, PA 17545, Rapho Township, **Lancaster County**. A major permit modification for the Chesapeake Waste Solutions, LLC Municipal Waste Transfer Facility was issued on November 22, 2021 for site expansion and increase in daily processing/transfer volume from 120 tons per day to 180 tons per day.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**GP9-46-0115: Lockheed Martin Corp.**, 230 Mall Blvd, P.O. Box 61511, King of Prussia, PA 19406-0911, on November 24, 2021 for the operation of a new 3058 hp diesel engine with CO catalyst to power an emergency generator at Building D in Upper Merion Township, **Montgomery County**.

**GP1-23-0164: Children's Hospital of Philadelphia, Service & Logistics Center**, 6400 Market Street, Millbourne, PA 19082. On November 24, 2021 for the installation and operation of two 14.92 MMBtu/hr dual fired (natural gas and No. 2 Fuel Oil) boilers at their location in Millbourne Borough, **Delaware County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP1-54-005: Papetti's Hygrade Egg Products, Inc.**, 68 Spain Road, Klingerstown, PA 17941, issued on November 12, 2021, for the operation of two natural gas-fired boilers at the facility located in Upper Mahantongo Township, **Schuylkill County**.

**AG5-58-00005C: UGI Energy Services**, 835 Knitting Mills Way, Wyomissing, PA 19610, on November 22, 2021 issued the general Operating Permit GP5 for the construction & operation of Natural Gas Compression plant at the facility located in Auburn Township, **Susquehanna 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.*

**GP3-06-03054C: Martin Stone Quarries, Inc.**, 1355 North Reading Avenue, Bechtelsville, PA 19505, on November 24, 2021, for portable nonmetallic mineral processing equipment under GP3 at the Bechtelsville Quarry, in Colebrookdale Township, **Berks County**.

**GP9-06-03054C: Martin Stone Quarries, Inc.**, 1355 North Reading Avenue, Bechtelsville, PA 19505, on November 24, 2021, for 2 nonroad engines under GP9, to power portable nonmetallic mineral processing equipment at the Bechtelsville Quarry, in Colebrookdale Township, **Berks County**.

**GP14-22-03105: Companions at Peace, Inc.**, 311 Deaven Road, Harrisburg, PA 17111, on November 24, 2021, for the operation of an animal crematory unit, under GP14, at the facility located in Swatara Township, **Dauphin County**.

**GP3-36-05101C: Highway Materials, Inc.**, 409 Stenton Avenue, Flourtown, PA 19031, on November 5,

2021, for portable nonmetallic mineral processing equipment to be re-located to the Lititz Asphalt Plant in Warwick Township, **Lancaster County**.

**GP9-36-05101C: Highway Materials, Inc.**, 409 Stenton Avenue, Flourtown, PA 19031, on November 5, 2021, for one diesel fuel-fired internal combustion engine to be re-located to the Lititz Asphalt Plant in Warwick Township, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**GP3-41-734A: Jack L. McClintock**, 15222 Route 220 Highway, Muncy Valley, PA 17758, on November 24, 2021, received authorization to construct and operate one (1) 250 ton per hour, Pioneer model 26x49 crusher, one (1) 250 ton per hour, TESAB model 1012T crusher, one (1) 125 ton per hour, Extec model 5000S vibratory screener, one (1) 250 ton per hour McCloskey model R155 vibratory screen, one (1) 250 ton per hour McCloskey model S190 vibratory screen, and one (1) 500 ton per hour McCloskey model ST-80 stacker conveyor pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)) at their McClintock Quarry located in Penn Township, **Lycoming County**.

**GP9-41-734A: Jack L. McClintock**, 15222 Route 220 Highway, Muncy Valley, PA 17758, on November 24, 2021, received authorization to construct and operate one (1) 250 brake horsepower (bhp) diesel-fired, Cummins model 46218424 engine, one (1) 440 bhp diesel-fired, Caterpillar model C13 engine, two (2) 129 bhp diesel-fired Caterpillar model C4.4 engines, one (1) 100 bhp diesel-fired Deutz model TCD2012L04 2V engine and a 49 bhp diesel-fired Kubota engine pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at their McClintock Quarry located in Penn Township, **Lycoming County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief, (484) 250-5920.*

**46-0262F: Penn Color, Inc.**, 2801 Richmond Road, Hatfield, PA 19440. On November 19, 2021, for the installation of a new C6 continuous line (Source ID 213) and reroute existing equipment to a new or refurbished dust collector (Control Device C213) operating as part of Color Concentrate Manufacturing in the Dry Building 1 (Source ID 100) at the manufacturing plant located in Hatfield Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**48-00067A: New Enterprise Stone & Lime Co.**, 3912 Brumbaugh Road, New Enterprise, PA 16664-0077,



was issued on November 23, 2021, for the replacement of three conveyors at their facility located in Lower Nazareth Township, **Northampton County**.

**40-00145B: UTZ Quality Foods, LLC**, (200 Stewart Road, Wilkes-Barre, PA 18706, issued on November 30, 2021 for installation of two additional Kibble Lines 7 and 8 at their facility located in Hanover Township, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-03121F: Intellicor, LLC**, 3575 Hempland Road, Lancaster, PA 17601. On November 3, 2021, for the operation of an existing heatset web lithographic printing press with a natural gas dryer in West Hempfield Township, **Lancaster County**. The dryers are rated at 2.2 mmBtu/hr and the press is controlled by a regenerative thermal oxidizer (RTO).

**44-05001E: Standard Steel, LLC**, 500 N. Walnut Street, Burnham, PA 17009, on November 24, 2021, for the steel mill located in Burnham Borough, **Mifflin County**. Plan Approval No. 44-05001E will authorize construction of a new radial forging machine, a new rotary reheat furnace (designated Source 205A) and supporting ancillary equipment (e.g., roller conveyors, transfer robot, ingot saws, etc.), including a robotic torch cutter for the forged axle ends. The existing radial forger and walking beam reheat furnace [Source 204] will remain operational while the new equipment is brought on-line during the shake down period and will remain in place as a backup to the proposed new equipment.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**09-0210B: Waste Management PA, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067-3704. Extension of Plan Approval for the operation and shakedown of three (3), 6,000 SCFM ultra low emission flares to combust the landfill gas collected from GROWS, GROWS North, and Fairless Landfills in Falls Township, **Bucks County**.

**46-0221C: Upper Moreland—Hatboro Joint Sewer Authority**, 2875 Terwood Road, Willow Grove, PA 19090. On November 19, 2021 for a modification of Plan Approval 46-0221C to use Source ID No. 700 for demand response for the entire year while maintaining the current operating hours of 1220 hours located in Upper Moreland Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**50-05001A: Texas Eastern Transmission/Shermans Dale**, 425 Texas Eastern Road, Sherms Dale, PA

17090. On November 5, 2021, for the construction of two (2) new natural gas-fired simple cycle turbines at the Shermans Dale Compressor Station located in Carroll Township, **Perry County**. These new turbines will replace two (2) GE turbines. The turbines will be built with SoLoNO<sub>x</sub> dry low NO<sub>x</sub> (DLN) technology for the control of NO<sub>x</sub> and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current 440 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp emergency, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallon separator vessels used to collect pipeline liquids. The plan approval was extended.

**06-05158A: Allan Myers, L.P.**, 638 Lancaster Avenue, Malvern, PA 19355. On November 24, 2021, for an asphalt plant on Leesport Avenue in Ontelaunee Township, **Berks County**. The plan approval was extended.

**06-03186A: Pregis EverTec**, 9024 Old Route 22, Bethel, PA 19507. On November 23, 2021, for the new mailer production facility in Bethel Township, **Berks County**. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**14-00002S: Graymont (PA), Inc.**, 375 Graymont Rd., Bellefonte, PA 16823, was issued an extension dated November 23, 2021, to allow for continued usage of natural gas for operation of the rotary lime kilns No. 6 and 7 at their Pleasant Gap plant in Spring Township, **Centre County**, pending issuance of an Operating Permit for the modified sources. The extension was approved and is valid for 180 days.

**47-00014D: United States Gypsum Company**, 86 PPL Road, Danville, PA 17821, was issued a plan approval extension dated November 22, 2021, to permit continued operation of the board kiln dryer (Source ID P114) at their gypsum board manufacturing plant in Derry Township, **Montour County**, pending issuance of an Operating Permit. The plan approval has been extended for an additional 180 days.

**18-00009G: Clinton County Solid Waste Authority**, P.O. Box 209, McElhattan, PA 17748, on November 26, 2021, was issued a plan approval extension dated November 26, 2021, to allow continued temporary operation of the landfill gas enclosed flare at their Wayne Township Landfill located in Wayne Township, **Clinton County**. The plan approval has been extended 180 days until May 26, 2022.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**26-00588B: Laurel Mountain Midstream Operating, LLC**, 2000 Commerce Dr., Park Place Center 2, Pittsburgh, PA 15275-1026. Extension effective November 28, 2021, to extend the period of installation and continued temporary operation of three (3) compressor engines, two (2) gas-fired turbines, one (1) emergency generator, two (2) dehydrators, two (2) reboilers, one (1) glycol processing unit, and five (5) produced water storage tanks

authorized under plan approval PA-26-00588B, until May 28, 2022, at Shamrock Compressor Station located in German Township, **Fayette County**.

**30-00072H: Consol Pennsylvania Coal Company, LLC**, 1000 Consol Energy Dr., Ste. 100, Canonsburg, PA 15317, plan approval extension effective on November 28, 2021, with expiration on May 28, 2022, to extend the period of temporary operation for sources and controls associated with the Bailey Prep Plant expansion located in Richhill Township, **Greene County**.

**30-00072I: Consol Pennsylvania Coal Company, LLC**, 1000 Consol Energy Dr., Ste. 100, Canonsburg, PA 15317, plan approval extension effective on November 28, 2021, with expiration on May 28, 2022, to extend the period of temporary operation for sources and controls associated with the Enlow Fork Overland Conveyor located in Richhill Township, Greene County and East Finley Township, **Washington County**.

**30-00089D: Eastern Gas Transmission and Storage, Inc.**, 5000 Dominion Blvd., 2NW, Glen Allen, VA 23060-3308, for Extension effective November 28, 2021, to extend the period of construction and temporary operation of two natural gas-fired compressor turbines controlled by an oxidation catalyst, microturbine generators, boiler, one produced fluids storage tank, 2,500 gallon capacity; one lube oil tank, 1,000 gallon capacity; and piping components in natural gas service authorized under PA-30-00089D, until May 28, 2022, at the Crayne Compressor Station located in Franklin Township, **Greene County**.

**63-00936F: MarkWest Liberty Midstream & Resources, LLC**, 1515 Arapahoe St., Tower 1, Ste. 1600, Denver, CO 80202. On November 22, 2021, to extend the period of temporary operation of the Houston Gas Plant located in Chartiers Township, **Washington County**. The new expiration date is May 28, 2022.

**PA-63-01031: TMS International, LLC**, 1155 Business Center Dr., Ste. 200, Horsham, PA 19044-3422. Plan Approval Extension issuance date effective November 22, 2021, to facilitate the shake-down of sources and air cleaning devices and for processing of the State Only Operating permit application for their facility located at 42 84 Drive, Eighty-Four, PA 15330 in South Strabane Township, **Washington County**.

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**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.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**39-00078: Gateway Industrial Services/Allentown**, 805 Harrison St., Allentown, PA 18103. The Department issued, on November 12, 2021, a State-Only Operating Permit for operation of sources at their facility located in Allentown City, **Lehigh County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00074: Sumitomo (SHI) Cryogenics of America, Inc./Allentown**, 1833 Vultee St., Allentown, PA 18103. The Department issued, on November 18, 2021, a State-Only Operating Permit for operation of sources at their facility located in Allentown City, **Lehigh County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**35-00076: Jennings Calvey Funeral & Cremation Services, Inc.**, 111 Colburn Ave., Clarks Summit, PA 18411. The Department issued, on November 18, 2021, a State-Only Operating Permit for operation of sources at their facility located in Clarks Summit Borough, **Lackawanna County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00103: Harman Funeral Home & Crematory, Inc.**, P.O. Box 429, Drums, PA 18222. The Department issued, on November 23, 2021, a State-Only Operating Permit for operation of sources at their facility located in Butler Township, **Luzerne County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00028: Dupont Terminals—DE, LLC, Dupont Terminals**, P.O. Box 2621, Harrisburg, PA 17105-2621. On November 18, 2021, the Department issued a renewal State-Only (Synthetic) Minor Operating Permit for the Petroleum Bulk Stations and Terminals facility in Pittston Township, **Luzerne County**. The sources consist of gasoline and distillate storage tanks, one (1) Truck Loading Rack, and an emergency generator. The control devices consist of two (2) Vapor Recovery Units (VRU's). The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00029: Dupont Terminals—DE, Dupont East Terminal/Pittston**, P.O. Box 2621, Harrisburg, PA 17105-2621. On November 18, 2021, the Department issued a renewal State-Only (Synthetic) Minor Operating Permit for the Petroleum Bulk Stations and Terminals facility in Pittston Township, **Luzerne County**. The sources consist of gasoline and distillate storage tanks and one (1) Truck Loading Rack. The control device consists of one (1) Vapor Recovery Unit (VRU). The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00029: Gulf Oil LTD/Fullerton Terminal**, 900 S Eisenhower Blvd., Middletown, PA 17057-5503. On November 18, 2021, the Department issued a renewal State-Only (Synthetic) Minor Operating Permit for the



Petroleum Bulk Stations and Terminals facility in Whitehall Township, **Lehigh County**. The sources consist of gasoline and distillate storage tanks and one (1) Truck Loading Rack. The control devices consist of a Vapor Recovery Unit (VRU). The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05065: Champion Home Builders, Inc.**, 99 Horsehoe Road, Leola, PA 17540-1763, on November 2, 2021, for the modular home manufacturing facility located in Upper Leacock Township, **Lancaster County**. The State-Only permit renewed.

**36-03098: Steel Fab Enterprises, LLC**, 625 Baumgardner Road, Lancaster, PA 17603-9649. On November 2, 2021, for the structural steel manufacturing facility located in Pequea Township, **Lancaster County**. The State-Only permit was renewed.

**36-05153: Pierson Rheems, LLC**, 5 Heisey Quarry Road, Elizabethtown, PA 17022-9760. On November 18, 2021, for the stone quarry operations located in West Donegal Township, **Lancaster County**. The State-Only permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**25-00911: Northwestern PA Humane Society**, 2407 Zimmerly Road, Erie, PA 16506-4905. On November 23, 2021, the Department issued the renewal State Only Natural Minor Operating Permit for operation of the crematory incinerator located in Millcreek Township, **Erie County**. The facility's primary emission source consists of the incinerator. The potential emissions of the primary pollutants from the facility are as follows: 1.310 TPY (tons per year) NO<sub>x</sub>, 2.181 TPY CO, 0.482 TPY VOC, 0.167 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.367 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The crematory is subject to Plan Approval 25-911A which includes opacity and emission restrictions. 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 Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.*

**15-00136: Merit Medical**, 65 Great Valley Parkway, Malvern, PA 19355. On November 22, 2021 for the

manufacturing facility located in Malvern Borough, **Ches-ter County**. The Operating Permit was revoked because of the permanent shutdown of the facility, including Source ID 100 Preparation and Cleaning Operations.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**45-00031: Ardent Mills, LLC**, 258 Harvest Lane, Pocono Summit, PA 18344. On November 23, 2021, in Pocono Township, **Monroe County** for an amendment to incorporate process modification. The conditions from Plan Approvals 45-00031C and 45-00031D were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**48-00022: Ardent Mills, LLC**, 4888 S Delaware Dr, Martins Creek, PA 18063. On November 23, 2021, in Lower Mount Bethel Township, **Northampton County** for an amendment to incorporate process modification. The conditions from Plan Approval 48-00022AA were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**59-00008: Tennessee Gas Pipeline Company, LLC**, 1001 Louisiana St., Ste. 1000, Houston, TX 77002-5089, was issued an administrative amendment to correct the values associated with the BAT emission restrictions for NO<sub>x</sub>, CO, and VOC, as applicable to their gas turbines (Source ID P101A and P101B) at Station 315 (Wellsboro) in Charleston Township, **Tioga County**. All applicable regulatory requirements including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance are included within State Only Permit 59-00008.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

*Coal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 56100107 and NPDES No. PA0263117. Fieg Brothers**, P.O. Box 38, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 192.2 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 11, 2021. Permit issued: November 23, 2021.

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).*

**Permit No. 03970110 and NPDES Permit No. PA0202134. Mears Enterprises, Inc.**, 2770 Tanoma Road, Clymer, PA 15728. Surface mine permit and NPDES permit renewed for continued water treatment for postmining discharges, located in Valley Township, **Armstrong County**, affecting 27.4 acres. Receiving streams: unnamed tributaries to Cowanshannock Creek to Cowanshannock Creek to the Allegheny River. Application received: July 6, 2020. Renewed permits issued: November 18, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 19860101. Jac-Mar Coal Co. t/a L & E Coal**, P.O. Box 353, Cresco, PA 18326, renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County**, affecting 190.0 acres. Receiving stream: Big Mine Run. Application received: July 26, 2021. Renewal issued: November 19, 2021.

**Permit No. 19860101. Jac-Mar Coal Co. t/a L & E Coal**, P.O. Box 353, Cresco, PA 18326, correction to update the post-mining land use from forestland to unmanaged natural habitat of an existing anthracite surface mine operation in Conyngham Township, **Columbia County**, affecting 190.0 acres. Receiving stream: Big Mine Run. Application received: July 26, 2021. Renewal issued: November 19, 2021.

**Permit No. 13060101. Lehigh Anthracite, LP**, 1233 East Broad Street, Tamaqua, PA 18252, renewal of an existing anthracite surface mine operation in Nesquehoning Borough, **Carbon County**, affecting 189.1 acres. Receiving stream: Nesquehoning Creek. Application received: August 24, 2021. Renewal issued: November 19, 2021.

**Permit No. 40663029. Northampton Fuel Supply Co., Inc.**, 1 Horwith Drive, Northampton, PA 19067, renewal of an anthracite surface mine and coal refuse reprocessing operation in Foster and Hazle Townships and Jeddo Borough, **Luzerne County**, affecting 595.6 acres. Receiving stream: Big Black Creek. Application received: March 3, 2021. Renewal issued: November 29, 2021.

**Permit No. PAM111045R2. Northampton Fuel Supply Co., Inc.**, 1 Horwith Drive, Northampton, PA 19067, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 40663027 in Foster and Hazle Townships and Jeddo Borough,

**Luzerne County**, receiving stream: Big Black Creek. Application received: March 3, 2021. Renewal issued: November 29, 2021.

**Permit No. GP12-4066302. Northampton Fuel Supply Co., Inc.**, 1 Horwith Drive, Northampton, PA 19067, renewal of general Operating Permit to operate a coal preparation plant on Surface Mining Permit No. 40663029 in Foster and Hazle Townships and Jeddo Borough, **Luzerne County**. Application received: March 3, 2021. Permit renewed: November 29, 2021.

**Permit No. 22851304. S & M Coal Company**, 1744 East Grand Avenue, Tower City, PA 17980, renewal of an anthracite underground mine operation for reclamation activities only in Wiconisco Township, **Dauphin County**, affecting 4.98 acres. Receiving stream: Wiconisco Creek. Application received: August 11, 2021. Renewal issued: November 29, 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).*

**NPDES Permit No. PA0241938 (Mining Permit No. 10010309). Annandale Sandstone**, 219 Goff Station Road, Boyer, PA 16020, Renewal of NPDES permit in Venango Township, **Butler County**. Receiving stream(s): Seaton Creek and an unnamed tributary to Seaton Creek. Application received: August 27, 2021. Permit Issued: November 17, 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*

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).*

**Permit No. 26214101. Wampum Hardware Company**, 636 Paden Road, New Galilee, PA 16141-2018. Blasting activity permit for the construction/demolition of the Anderson Ex Lake Lynn commercial development, located in Springhill Township, **Fayette County**, with an expiration date of December 31, 2022. Blasting permit issued: November 17, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 36214149. J Roy's, Inc.**, P.O. Box 125, Bowmansville, PA 17507, construction blasting at 530 Long Rifle Road in West Lampeter Township, **Lancaster County**, with an expiration date of November 22, 2022. Permit issued: November 23, 2021.

**Permit No. 67214121. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, construction blasting for Project Matsuyama in Jackson Township, **York County**, with an expiration date of November 15, 2022. Permit issued: November 24, 2021.

**Permit No. 06214117. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Mountain Meadows in Tulpehocken Township, **Berks**



**County**, with an expiration date of November 15, 2022. Permit issued: November 29, 2021.

**Permit No. 36214147. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for White Horse Machine in Salisbury Township, **Lancaster County**, with an expiration date of December 31, 2021. Permit issued: November 29, 2021.

**Permit No. 46214116. Rock Work, Inc.**, 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Peter Becker Assisted Living in Franconia Township, **Montgomery County**, with an expiration date of Permit issued: November 29, 2021.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E4002221-005 Scott and Paula Crispell**, 2028 Lakeside Drive, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove an existing structure and to construct and maintain a 2,485 sq. ft. pile-supported structure consisting of a dock, boathouse, and boat slip within the normal pool elevation of Harveys Lake (HQ-CWF). The project is located at Pole # 182 along Lakeside Drive (S.R. 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 22' 25"; Longitude: -76° 2' 41") in Harveys Lake Borough, Luzerne County.

### ENVIRONMENTAL ASSESSMENTS

*Central Office: Waterways Engineering & Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, 717-787-3411.*

**D48-168 EA. Brian Cope, Superintendent, Northampton County, Parks and Recreation**, 151 Country Club Road, Easton, PA 18045, Bethlehem Township and Bethlehem City, **Northampton County**, ACOE Philadelphia District.

The Division of Wetlands, Encroachments, and Training has approved the restoration plan to remove a series of eight concrete and stone structures, including five small dams, in the Archibald Johnson Conservation Area, to eliminate a threat to public safety and to restore approximately 300 feet of stream channel to a free-flowing condition. The proposed restoration project includes the removal of a concrete bridge, a stone wall, and remnants of a breached dam. A small grade control rock riffle will also be constructed. The project is located across Monocacy Creek (HQ-CWF, MF) (Nazareth, PA Quadrangle, Latitude: 40.6740; Longitude: -75.3545). The project was approved on November 22, 2021.

**EA0615221-001. Berks County Conservation District**, 1238 County Welfare Road, Suite 200, Leesport, PA 19533, Lower Heidelberg Township, **Berks County**, ACOE Philadelphia District.

The Division of Wetlands, Encroachment, and Training has approved the restoration plan to remove legacy sediment from the floodway along Little Cacoosing Creek (WWF) for the purpose of restoring natural aquatic resources, including restoration of approximately 17 acres of integrated wetland, stream, and floodplain areas; to realign approximately 2,840 linear feet of Little Cacoosing Creek and 620 linear feet of an unnamed tributary to Little Cacoosing Creek for the purpose of restoring watercourses; to place streambank stabilization soil lifts, log sills and other aquatic habitat structures within the restoration area; to construct rock construction entrances, temporary stream crossings, cofferdams, and other erosion controls during restoration activities. The restoration project is located between Gaul Road and Green Valley Road, Sinking Spring, PA 19608 (USGS Quadrangle: Sinking Spring, PA: Latitude: 40.33429°; Longitude: -76.04195°). Approved on November 10, 2021.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG295921007-00  
 Applicant Name PA Gen Energy Co, LLC  
 Contact Person Nathan Harris  
 Address 120 Market Street  
 City, State, Zip Warren PA 16365  
 County Tioga  
 Township(s) Union  
 Receiving Stream(s) and Classification(s) Carpenter Run (EV), Salt Spring Run (EV)  
 Secondary: Tioga River (CWF-MF), Roaring Branch (EV)

ESCGP-3 # ESG290821066-00  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre PA 18840  
 County Bradford  
 Township(s) Albany  
 Receiving Stream(s) and Classification(s) French Creek (CWF)  
 Secondary: South Branch Towanda Creek (CWF)

ESCGP-3 # ESG290821054-00  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre PA 18840  
 County Bradford  
 Township(s) North Towanda  
 Receiving Stream(s) and Classification(s) Sugar Creek (WWF, MF), Hemlock Run (WWF, MF), UNT to Sugar Creek (WWF, MF)  
 Secondary: Susquehanna River (WWF, 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.*

**Sunoco 0363 1793**, 23-30744, 753 Kedron Ave., Morton, PA 19070, Ridley Township, **Delaware County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

**Chestnut Hill Mobil**, 51-43700, 8019 Germantown Ave., Philadelphia, PA 19118, City of Philadelphia, **Philadelphia County**. Synergy Environmental Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of CrossAmerica Partners, 645 W. Hamilton St, Suite 400, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.



*Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Palmer Elementary School**, Storage Tank ID # 48-16846, 3050 Green Pond Road, Easton, PA 18045, Palmer Township, **Northampton County**. Colliers Engineering & Design, 941 Marcon Boulevard, Suite 801, Allentown, PA 18109, on behalf of Easton Area School District, 1801 Bushkill Drive, Easton, PA 18040, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with heating oil. The report is intended to document remediation of the site to meet Statewide health standards.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Greg Bowman, Environmental Group Manager.*

**J&DS, Inc.**, Storage Tank Primary Facility ID # 44-24036, 74 East Tony Street, Reedsville, PA 17084, Brown Township, **Mifflin County**. McKee Environmental, Inc., 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Mr. Don Linn, J&DS Inc., 35 School Bus Lane, Lewistown, PA 17044, 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 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.*

**706 Grove Ave**, 09-98012, 706 Grove Ave., Southampton, PA 18966, Upper Southampton Township, **Bucks County**. RMS Environmental LLC, 2198 Pennsbury Drive, Jamison, PA 18929 on behalf of Mr. Henry Mroz, 563 Street Road, Southampton, PA 18966, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with used motor oil. The report demonstrated attainment of residential Statewide health standards and was approved by the Department on November 22, 2021.

**Amoco Sta Phila Ridge Ave**, 51-29715, 1840 Ridge Ave., Philadelphia, PA 19121, **City of Philadelphia**. Parsons, 3606 Park 42 Drive, Box 13, Sharonville, OH 45241, on behalf of BP Remediation Management Services, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report demonstrated attainment of residential Statewide health and site-specific standards and was approved by the DEP on November 22, 2021.

*Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Pereira Enterprises**, Storage Tank ID # 13-50082, 117 Delaware Avenue, Palmerton, PA 18071, Palmerton Borough, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pereira Enterprises Inc., 117 Delaware Avenue, Palmerton, PA 18071, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable to meet a combination of Site-Specific and Statewide health standards and was approved by DEP on November 24, 2021.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Cynthia Stine, Licensed Professional Geologist.*

**Everett Mobil Station**, Storage Tank Primary Facility ID # 05-27609, 13133 Lincoln Highway, Everett, PA 15537-5917, West Providence Township, **Bedford County**. Keystone Environmental Health and Safety Services, Inc., 1111 12th Avenue, Altoona, PA 16601, on behalf of Mr. Dirk Barkman, Barkman Oil Company, Inc., P.O. Box 175, Woodbury, PA 16695, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report demonstrated attainment of a combination of Statewide health standards and site-specific standards and was approved by DEP on November 18, 2021.

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**SPECIAL NOTICES**


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**WATER PROGRAMS**  
**EROSION AND SEDIMENT CONTROL**

The following parties have applied for Erosion and Sediment Control Renewal Permits for earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a renewal permit to discharge, subject to certain limitations in the renewal permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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**Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).**


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*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.*

**ESG0100015001.** The Department of Environmental Protection (Department) provides notice of receipt of a renewal application for a Chapter 102, Erosion and Sediment Control Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The renewal application is currently under review for Pennsylvania Pipeline Project (Mariner East II). The project proposes to renew approximately 7.5 miles of right-of-way or 92 acres of earth disturbance of which 38 acres are in **Chester County**, and 54 acres are in **Delaware County**.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG0100015001	Sunoco Pipeline L.P. 535 Fritztown Road Sinking Spring, PA 19608	Chester County Delaware County	Regional Permit Coordination Office

**ESG0300015002.** The Department of Environmental Protection (Department) provides notice of receipt of a renewal application for a Chapter 102, Erosion and Sediment Control Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The renewal application is currently under review for Pennsylvania Pipeline Project (Mariner East II). The project proposes to renew approximately 34.9 miles of right-of-way or 429.85 acres of earth disturbance of which 38 acres in **Blair County**, 108 acres in **Huntingdon County**, 25 acres in **Juniata County**, 78 acres in **Perry County**, 74 acres in **Cumberland County**, 13 acres in **York County**, 22 acres in **Dauphin County**, 12 acres in **Lebanon County**, 1.85 acres in **Lancaster County** and 58 acres in **Berks County**.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name &amp; Address:</i>	<i>Counties</i>	<i>DEP Office</i>
ESG0300015002	Sunoco Pipeline L.P. 535 Fritztown Road Sinking Spring, PA 19608	Blair County Huntingdon County Juniata County Perry County Cumberland County York County Dauphin County Lebanon County Lancaster County Berks County	Regional Permit Coordination Office

**ESG0500015001.** The Department of Environmental Protection (Department) provides notice of receipt of a renewal application for a Chapter 102, Erosion and Sediment Control Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The renewal application is currently under review for Pennsylvania Pipeline Project (Mariner East II). The project proposes to renew approximately 13.66 miles of right-of-way or 164.1 acres of earth disturbance of which 2.7 acres are in **Washington County**, 37.4 acres are in **Westmoreland County**, 40 acres are in **Indiana County**, and 84 acres are in **Cambria County**.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG0500015001	Sunoco Pipeline L.P. 535 Fritztown Road Sinking Spring, PA 19608	Washington County Westmoreland County Indiana County Cambria County	Regional Permit Coordination Office

### PUBLIC COMMENTS FOR EROSION AND SEDIMENT CONTROL

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department office listed before the renewal application within 45 days of this public notice. Comments reviewed within this 45-day period will be considered in the formulation of the final determinations regarding this renewal application. Responses 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the Department's Regional Permit Coordination Office during the 45-day public comment period.

More information regarding the renewal permit applications related to this proposed project may be available online ([dep.pa.gov/pipelines](http://dep.pa.gov/pipelines)) or in the Department's Regional Permit Coordination Office. The Department's Regional Permit Coordination Office can be contacted at 717-772-5987 or [RA-EPREGIONALPERMIT@pa.gov](mailto:RA-EPREGIONALPERMIT@pa.gov).

Comments on the renewal applications can be emailed or sent via postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, [RA-EPREGIONALPERMIT@pa.gov](mailto:RA-EPREGIONALPERMIT@pa.gov).

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 45-day public comment period should contact the specified Department office. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

[Pa.B. Doc. No. 21-2069. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to TGDs*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

#### *Final TGD: New Guidance*

**DEP ID:** 563-2112-613. **Title:** Remining of Areas with Pre-existing Pollutational Discharges. **Description:** This

guidance reflects the current Subchapter F/G regulations that were published on October 22, 2016. The purpose of this guidance is to identify and explain conditions that must be met to qualify for and obtain a Subchapter F/G permit authorization (remining of areas of pre-existing pollutational discharges) and the obligations of a mine operator under that permit. This guidance addresses procedures to be followed to modify these permit types and the standards to be met to qualify for bond release. In response to public comment, the title has been changed from the published draft. Additional clarifications were added to the background information to explain the term "remining."

**Contact:** Questions regarding this TGD can be directed to Sharon Hill at [shill@pa.gov](mailto:shill@pa.gov) or (717) 787-6842.

**Effective Date:** December 11, 2021

#### *Rescission of Technical Guidance*

**DEP ID:** 563-2112-610. **Title:** Determining Eligibility of Pre-existing Pollutational Discharges under Subchapter F or G Permits. **Description:** This guidance is no longer applicable. Information regarding eligibility for coverage under Subchapters F or G of the coal surface mining regulations ("remining"), has been consolidated and updated in a new guidance: 563-2112-613 Remining of Areas with Pre-existing Pollutational Discharges.

**Contact:** Questions regarding this TGD can be directed to Sharon Hill at [shill@pa.gov](mailto:shill@pa.gov) or (717) 787-6842.

**Effective Date:** December 11, 2021

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 21-2070. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**AMD 32(2722)102.1 (DGS 193-38), Abandoned Mine Reclamation Project, Blacklick Creek Treatment Facility (Wehrum), Blacklick Township, Cambria County, and Buffington and East Wheatfield Townships, Indiana County.** The principal items of work and approximate quantities include:

Mobilization and demobilization, 1 lump sum
Implementation of the erosion and sediment pollution control plan: phase 1 erosion and sediment controls, 1 lump sum
Implementation of the erosion and sediment pollution control plan: remaining project areas, 1 lump sum
Implementation of the erosion and sediment pollution control plan: removal of erosion and sediment controls, 1 lump sum
Implementation of the erosion and sediment pollution control plan: maintenance of erosion and sediment controls, 24 per month
Clearing and grubbing 1 lump sum
Access roads and parking: construction of gravel access roads, 32,500 square feet
Access roads and parking: access road maintenance stone, 500 tons
Access roads and parking: removal of gravel access roads, 1 lump sum
Access roads and parking: construction of bituminous treatment facility access
Roads, turn-arounds and parking areas, 1 lump sum
Removal and disposal of solid waste, 20 tons
Site grading, excavating, dewatering and backfilling: excavation and backfill, 27,000 cubic yards
Site grading, excavating, dewatering and backfilling: hard rock removal, 2,000 cubic yards
Site grading, excavating, dewatering and backfilling: toe keys and subsurface drains, 1,500 linear feet
Site grading, excavating, dewatering and backfilling: soil liner, 3,700 cubic yards
Potable water supply, 1 lump sum
Sanitary sewerage, 1 lump sum
Post construction stormwater management: retentive grading, 1 lump sum
Post construction stormwater management: rain garden best management practice (BMP), 1 lump sum
Post construction stormwater management: infiltration basin BMP, 1 lump sum
Post construction stormwater management: stormwater conveyance, 1 lump sum
Restoration, seeding and soil supplements: seed bed preparation, 24.3 acres
Restoration, seeding and soil supplements: agricultural limestone, 145.8 tons
Restoration, seeding and soil supplements: commercial fertilizer, 24,300 pounds
Restoration, seeding and soil supplements: seed, 1,500 pounds
Restoration, seeding and soil supplements: mulching, 24.3 acres
Restoration, seeding and soil supplements: aggregate, 1,525 tons
Chain link fences and gates, 1 lump sum
Aggregate pad area preparation, 1 lump sum
Diversion and care of water, 1 lump sum
Stream crossing: temporary stream crossing, 7 each
Stream crossing: permanent stream crossing, 4 each
Drilling boreholes: drilling to competent bedrock sized to accommodate 8 inches in diameter
Casing, 140 linear feet
Drilling boreholes: drilling borehole sized to accommodate 16 inches in diameter casing, 437 linear feet
Drilling boreholes: drilling borehole sized to accommodate 20 inches in diameter steel
Surface casing, 254 linear feet
Drilling boreholes: drilling borehole sized to accommodate 24 inches in diameter steel surface casing, 70 linear feet
Drilling boreholes: drilling borehole sized to accommodate 10 inches HDPE or PVC, 733 linear feet
Drilling boreholes: drilling borehole sized to accommodate 4 inches PVC riser, 305 linear feet
Drilling boreholes: downhole camera survey, 4 each



Furnishing and installing casing pipe: 8 inches in diameter steel surface casing pipe, 140 linear feet
Furnishing and installing casing pipe: 16 inches in diameter stainless steel, schedule 20 casing pipe, 437 linear feet
Furnishing and installing casing pipe: 20 inches in diameter stainless steel, schedule 20 casing pipe, 254 linear feet
Furnishing and installing casing pipe: 24 inches in diameter steel surface casing pipe, 70 linear feet
Furnishing and installing casing pipe: 10 inches in diameter PVC pipe, 733 linear feet
Furnishing and installing casing pipe: 4 inches in diameter PVC pipe, 305 linear feet
Sealing of boreholes, 6 each
Abandonment of shafts and slope entry: cement, 550 tons
Abandonment of shafts and slope entry: flyash, 4,050 dry tons
Abandonment of shafts and slope entry: sand, 700 tons
Abandonment of shafts and slope entry: aggregate (stone), 850 tons
Abandonment of shafts and slope entry: coarse aggregate, 200 tons
Abandonment of shafts and slope entry: rock fill, 600 tons
Abandonment of shafts and slope entry: drilling, 750 linear feet
Abandonment of shafts and slope entry: casing, 750 linear feet
Abandonment of shafts and slope entry: reinforced concrete caps, 2 each
Abandonment of shafts and slope entry: 7-day compressive strength, 9 each
Abandonment of shafts and slope entry: 28-day compressive strength, 9 each
Abandonment of shafts and slope entry: synthetic precipitation leaching procedure, 3 each
Commercial no. 16 mine water collection and conveyance system, 1 lump sum
Cast-in-place concrete: vinton extraction wells # 1 and # 2 buildings foundations, floor slabs, stairs, loading docks and roof access ladder landing pads, 1 lump sum
Cast-in-place concrete: wehrum extraction wells # 1 and # 2 buildings foundations, floor slabs and roof access ladder landing pads, 1 lump sum
Cast-in-place concrete: reaction tanks (T-800 and T-900) foundation, 1 lump sum
Cast-in-place concrete: reaction tanks (T-800 and T-900) walls, 1 lump sum
Cast-in-place concrete: maelstrom oxidizers (T-600 and T-700) platform column foundations, piers and stair landing pad, 1 lump sum
Cast-in-place concrete: control building column foundations and grade wall footings, 1 lump sum
Cast-in-place concrete: control building column piers and grade wall, 1 lump sum
Cast-in-place concrete: control building floor slab, sump, trenches and containment curbs, 1 lump sum
Cast-in-place concrete: garage building column foundations and grade wall footings, 1 lump sum
Cast-in-place concrete: garage building column piers and grade walls, 1 lump sum
Cast-in-place concrete: garage building floor slab and hose bib pad, 1 lump sum
Cast-in-place concrete: blowers pad, 1 lump sum
Cast-in-place concrete: blending tank (T-402) foundation and hydrated lime silo (S-1601) foundation, 1 lump sum
Cast-in-place concrete: clarifier (T-1000) foundation and sludge sump, 1 lump sum
Cast-in-place concrete: clarifier (T-1000) wall and effluent trough, 1 lump sum
Cast-in-place concrete: clarifier (T-1100) foundation and sludge sump, 1 lump sum
Cast-in-place concrete: clarifier (T-1100) wall and effluent trough, 1 lump sum
Cast-in-place concrete: clarifier's access platform column foundations, piers and stair landing pad, 1 lump sum
Cast-in-place concrete: valve access platform column foundations, piers and stair landing pad, 1 lump sum
Cast-in-place concrete: cutthroat flume walls and concrete fill between walls and metal flume, 1 lump sum
Cast-in-place concrete: off-spec pond pump vault foundation and walls, 1 lump sum
Cast-in-place concrete: polishing pond pump vault foundation and walls, 1 lump sum
Cast-in-place concrete: generator pad, utility water storage tank (T-1900) foundation, Xfer switch and AC condensers pad and pipe support pad by utility water storage tank, 1 lump sum
Cast-in-place concrete: pump pads (for pumps P-1401, P-1402, P-2101, P-2102, P-1501 and P-1502), pad for service water pumps (P-1900A and P-1900B) and bladder tank (P-902) pad. Located in the control building, 1 lump sum
Cast-in-place concrete: trough support column foundations, 1 lump sum

Cast-in-place concrete: light pole foundations, 22 each
Pre-cast concrete: install and finish pre-cast hollow core roof for vinton extraction well # 1 building, 1 lump sum
Pre-cast concrete: install and finish pre-cast hollow core roof for vinton extraction well # 2 building, 1 lump sum
Pre-cast concrete: install and finish pre-cast hollow core roof for wehrum extraction well # 1 building, 1 lump sum
Pre-cast concrete: install and finish pre-cast hollow core roof for wehrum extraction well # 2 building, 1 lump sum
Unit masonry, 1 lump sum
Structural steel: vinton extraction well # 1 and vinton extraction well # 2 buildings' roof framing, handrail posts, rails and toeplates at roof and handrail posts, permanent rails, removable rails and toe plates at dock area, 1 lump sum
Structural steel: wehrum extraction well # 1 and wehrum extraction well # 2 buildings' roof framing, handrail posts, rails and toe plates at roof, 1 lump sum
Structural steel: blend tank platform framing, grating handrail posts, rails and toe plates and stairs, 1 lump sum
Structural steel: reaction tanks (T-800 and T-900) platform framing, grating, handrail posts, rails and toe plates and stairs, 1 lump sum
Structural steel: maestrom oxidizers (T-600 and T-700) support framing, platform framing walkways framing, grating, handrail posts, rails and toe plates and stairs 1 lump sum
Structural steel: off-spec pond pumps (P-1202A and P-1202B) vault platform support framing, grating, handrail posts, rails and toe plates, 1 lump sum
Structural steel: polishing pond pumps (P-1201A and P-1201B) vault platform support framing, grating, handrail posts, rails and toe plates, 1 lump sum
Structural steel: clarifiers' access platform framing, grating, handrail posts rails and toe plates and stairs, 1 lump sum
Structural steel: valve access platform framing, grating, handrail posts, rails and toe plates and stairs, 1 lump sum
Structural steel: pipe supports located inside control building and near service water storage tank, 1 lump sum
Structural steel: light stanchions and supports located throughout the facility, 1 lump sum
Structural steel: trough supports, 1 lump sum
Metal fabrication: ladders, vinton extraction well # 1 building, 1 lump sum
Metal fabrication: ladders, vinton extraction well # 2 building, 1 lump sum
Metal fabrication: ladders, wehrum extraction well # 1 building, 1 lump sum
Metal fabrication: ladders, wehrum extraction well # 2 building, 1 lump sum
Metal fabrication: baffles, reaction tank T-800, 1 lump sum
Metal fabrication: baffles, reaction tank T-900, 1 lump sum
Metal fabrication: half-pipe baffles, reaction tank T-800, 1 lump sum
Metal fabrication: half-pipe baffles, reaction tank T-900, 1 lump sum
Metal fabrication: elevated flumes F-800 from maelstrom oxidizer T-600 to reaction tank T-800 and F-900 from maelstrom oxidizer T-700 to reaction tank T-900, 1 lump sum
Metal fabrication: elevated flume F-801 from reaction tank T-800 to clarifier T-1000, 1 lump sum
Metal fabrication: elevated flume F-901 from reaction tank T-900 to clarifier T-1100, 1 lump sum
Metal fabrication: pipe bollards, 10 each
Mine water extraction pumps and appurtenances: vinton extraction well, 2 each
Mine water extraction pumps and appurtenances: wehrum extraction well, 2 each
Masonry pump buildings: vinton extraction well # 1 building, 1 lump sum
Masonry pump buildings: vinton extraction well # 2 building, 1 lump sum
Masonry pump buildings: wehrum extraction well # 1 building, 1 lump sum
Masonry pump buildings: wehrum extraction well # 2 building, 1 lump sum
Mine water pipe, valves and appurtenances: mine water pipe, 20" HDPE gravity and pressure pipe, 4,420 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 12" HDPE pressure pipe, 210 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 8" HDPE pressure pipe, 415 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 20" SS pressure pipe, 32 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 10" SS pressure pipe, 12 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 8" SS pressure pipe, 130 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 4" SS pressure pipe, 12 linear feet

Mine water pipe, valves and appurtenances: mine water pipe, 1" and 1/2" SS pressure pipe at pressure gages, drains, and the like, 20 linear feet
Mine water pipe, valves and appurtenances: air/vacuum release valve assembly complete, 5 each
Mine water pipe, valves and appurtenances: cleanout assemblies, 11 each
Mine water pipe, valves and appurtenances: HDPE/steel pipe waterline testing, 1 lump sum
Process pipe, valves and appurtenances: process water pipe, 3" pipe and under, all materials, 3,330 linear feet
Process pipe, valves and appurtenances: process water pipe, 4" CS pipe, 500 linear feet
Process pipe, valves and appurtenances: process water pipe, 6" CS pipe, 870 linear feet
Process pipe, valves and appurtenances: process water pipe, 4" HDPE pipe, 1,800 linear feet
Process pipe, valves and appurtenances: process water pipe, 6" HDPE pipe, 930 linear feet
Process pipe, valves and appurtenances: process water pipe, 8" HDPE pipe, 27,530 linear feet
Process pipe, valves and appurtenances: process water pipe, 10" HDPE pipe, 570 linear feet
Process pipe, valves and appurtenances: process water pipe, 16" HDPE pipe, 30 linear feet
Process pipe, valves and appurtenances: process water pipe, 20" HDPE pipe, 600 linear feet
Process pipe, valves and appurtenances: process water pipe, 24" HDPE pipe, 200 linear feet
Process pipe, valves and appurtenances: air/vacuum release valve assembly—complete, 1 each
Process pipe, valves and appurtenances: cleanout assemblies, 12 each
Process pipe, valves and appurtenances: HDPE/steel pipe waterline testing, 1 lump sum
Service water system, 1 lump sum
Blending tank and appurtenances, 1 lump sum
Decarbonation tanks and appurtenances, 1 lump sum
Reaction tanks and appurtenances, 1 lump sum
Flocculating clarifiers, 1 lump sum
Relocation and upgrade of the lancashire hydrated lime system, 1 lump sum
Lancashire repair—breezeway closure, 1 lump sum
Dry polymer mix and feed system, 1 lump sum
Sludge disposal and sludge recycle pumps: sludge disposal pumps, 4 each
Sludge disposal and sludge recycle pumps: sludge recycle pumps, 3 each
Miscellaneous pumps: off-spec pond pumps, 2 each
Miscellaneous pumps: treatment building sumps, 2 each
Noise control, 1 lump sum
Replacement wetland: off-site topsoil, 150 tons
Replacement wetland: spent mushroom substrate, 580 cubic yards
Replacement wetland: mulching materials, 0.36 acre
Replacement wetland: wetland seed mix, 8 pounds
Polishing pond and constructed wetland: polishing pond, 1 lump sum
Polishing pond and constructed wetland: constructed wetland, 1 lump sum
Rough carpentry, 1 lump sum
Interior architectural woodwork, 1 lump sum
Building insulation, 1 lump sum
Flashing and sheet metal, 1 lump sum
Joint sealers, 1 lump sum
FRP doors and aluminum frames, 1 lump sum
Overhead coiling doors, 1 lump sum
Door hardware, 1 lump sum
Metal building systems, 1 lump sum
HVAC equipment and ducting, 1 lump sum
Plumbing, 1 lump sum
Painting and coating, 1 lump sum

Specialty signs, 1 lump sum
Fire extinguishers and accessories, 1 lump sum
Toilet accessories, 1 lump sum
Metal lockers, 1 lump sum
Instrumentation, 1 lump sum
SCADA system: PLC panel, 1 lump sum
SCADA system: remaining items, 1 lump sum
Electrical power and lighting: generator, 1 lump sum
Electrical power and lighting: automatic transfer switch, 1 lump sum
Electrical power and lighting: motor control center, 1 lump sum
Electrical power and lighting: VFDs, 1 lump sum
Electrical power and lighting: power distribution transformers, 1 lump sum
Electrical power and lighting: three phase panel boards, 1 lump sum
Electrical power and lighting: remaining items, 1 lump sum
Electrical power and lighting: service fees to Penelec, 1 invoice
Security system and intrusion detection: cameras, 4 each
Security system and intrusion detection: installation of security system and intrusion detection, 1 lump sum
Commissioning, demonstration and operator training: start-up/wet commissioning, 1 lump sum
Commissioning, demonstration and operator training: contractor operational period, 1 lump sum
Commissioning, demonstration and operator training: onsite training services, 1 lump sum
Office facility, 1 lump sum

This bid issued on November 5, 2021, and bids will be opened on January 13, 2022, at 2 p.m. A mandatory prebid conference is scheduled for December 15, 2021, at 10 a.m. Representatives from the Department of Environmental Protection (Department) will meet the contractors at the Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 1st Floor, Room 1A and 1B, 286 Industrial Park Road, Ebensburg, PA 15931. Failure to attend the prebid conference will be cause for rejection of the bid. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation of Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2071. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Draft Stream Evaluation Report; Available for Public Comment

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that the Draft Stream Evaluation Report for streams classified by the Fish and Boat Commission as Class A Wild Trout Waters is available for public comment on the Department's web site for a 30-day comment period. The draft report includes redesignation recommendations for the following streams.

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Martins Creek	Northampton	Delaware River
UNT 3382 to Saucon Creek	Lehigh	Saucon Creek
Mill Creek	Carbon	Aquashicola Creek
UNT 3886 to Lizard Creek (river mile (RM) 11.35)	Schuylkill	Lizard Creek
UNT 3891 to Lizard Creek (RM 13.64)	Schuylkill	Lizard Creek
Pohopoco Creek	Carbon	Lehigh River
UNT 4022 to Pohopoco Creek (RM 22.92)	Monroe	Pohopoco Creek



<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Sugar Hollow Creek	Monroe	Pohopoco Creek
Long Run	Carbon	Lehigh River
Mauch Chunk Creek	Carbon	Lehigh River
UNT 3336 to Lehigh Canal (RM 2.18) "Morgan Valley Run"	Northampton	Lehigh Canal
UNT 3338 to Lehigh River (RM 3.45)	Northampton	Lehigh River
Spring Creek	Berks	Tulpehocken Creek
Bear Creek	Schuylkill	Schuylkill River
UNT 31137 to Cowanesque River "Teed Hollow"	Potter	Cowanesque River
Bellman Run	Tioga	Johnson Creek
Obendoffers Creek	Luzerne	North Branch Susquehanna River
Lick Run	Columbia	Roaring Creek
Big Wapwallopen Creek	Luzerne	Susquehanna River
Mill Creek	Luzerne	North Branch Susquehanna River
Laurel Run	Luzerne	Mill Creek
Bender Run	Lycoming	West Branch Susquehanna River
English Run	Lycoming	Little Pine Creek
Chatham Run	Clinton	West Branch Susquehanna River
McElhattan Creek	Clinton	West Branch Susquehanna River
Fishing Creek	Clinton	Bald Eagle Creek
UNT 22622 to Sugar Camp Run "Slide Hollow Run"	Centre	Sugar Camp Run
Little Sandy Run	Centre	North Fork Beech Creek
Nanny Run	Cameron	Bennett Branch Sinnemahoning Creek
Barrs Run	Cameron	Bennett Branch Sinnemahoning Creek
Johnson Run	Elk	Bennett Branch Sinnemahoning Creek
Jimmy Run	Elk	Bennett Branch Sinnemahoning Creek
Silver Mill Hollow Run	Elk	Bennett Branch Sinnemahoning Creek
Mill Run	Clearfield	Bennett Branch Sinnemahoning Creek
UNT 24922 to Wilson Run "Erick Hollow"	Clearfield	Wilson Run
UNT 24933 to Mountain Run (RM 1.15)	Clearfield	Mountain Run
Mountain Lick Creek	Clearfield, Elk	Mountain Run
Grapevine Run	Clearfield, Elk	Mountain Run
Moravian Run	Clearfield	West Branch Susquehanna River
Dale Run	Clearfield	Moravian Run
UNT 26459 to Clearfield Creek	Cambria	Clearfield Creek
Fallentimber Run	Cambria	Clearfield Creek
Bradley Run	Cambria	Clearfield Creek
UNT 26658 to Anderson Creek "Roaring Run"	Clearfield	Anderson Creek
Poplar Run	Clearfield	Bell Run
UNT 26747 to Bell Run (RM 4.62)	Clearfield	Bell Run

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
UNT 26752 to Bell Run (RM 7.6)	Clearfield	Bell Run
UNT 26765 to Curry Run (RM 4.78)	Clearfield	Curry Run
UNT 26876 to Chest Creek	Cambria	Chest Creek
UNT 27036 to Bear Run (RM 2.92)	Clearfield, Indiana	Bear Run
Cush Creek	Indiana	West Branch Susquehanna River
Sawmill Run	Clearfield	West Branch Susquehanna River
Beaver Run	Clearfield	West Branch Susquehanna River
UNT 63795 to Gap Run (RM 1.39)	Centre	Gap Run
Smoke Hole Run	Dauphin	South Fork Powell Creek
Penns Creek	Centre	Susquehanna River
UNT 17824 to UNT to Middle Creek (RM 15.05)	Snyder	UNT to Middle Creek
UNT 17902 to North Branch Middle Creek "Schrader Gap Run"	Snyder	North Branch Middle Creek
Moyers Mill Run	Snyder	North Branch Middle Creek
Boal Gap Run	Centre	Sinking Creek
Kishacoquillas Creek	Mifflin	Juniata River
UNT 15970 to Bells Gap Run (RM 5.63)	Blair, Cambria	Bells Gap Run
Homer Gap Run	Blair	Little Juniata River
Boiling Spring Run	Blair	Beaverdam Creek
Orson Run	York	Muddy Creek
Perry Furnace Run	Perry	Sherman Creek
Allegheny River	Potter	Ohio River
UNT 57518 to Knapp Creek (RM 5.32)	McKean	Knapp Creek
UNT 57521 to Knapp Creek (RM 6.06)	McKean	Knapp Creek
UNT 57546 to Tram Hollow Run (RM 0.76)	McKean	Tram Hollow Run
UNT 57672 to North Branch Cole Creek "Brooder Hollow"	McKean	North Branch Cole Creek
UNT 57675 to North Branch Cole Creek "Bakers Hollow"	McKean	North Branch Cole Creek
Marvin Creek	McKean	Potato Creek
UNT 58144 to Lillibridge Creek "Campbell Hollow"	McKean	Lillibridge Creek
UNT 58191 to Allegheny Portage Creek "Cady Hollow"	McKean	Allegheny Portage Creek
Sartwell Creek	McKean, Potter	Allegheny River
Fisk Hollow Run	Potter	Fishing Creek
UNT 57377 to Allegheny River "Elm Flat Run"	Potter	Allegheny River
UNT 58395 to Allegheny River "Pump Station Hollow"	Potter	Allegheny River
UNT 58402 to Allegheny River "Earl Hollow"	Potter	Allegheny River
UNT 64376 to Marvin Creek (RM 9.58)	McKean	Marvin Creek
UNT 51240 to Allegheny River (RM 107.57)	Venango	Allegheny River
Snyder Run	Venango	Allegheny River
UNT 53682 to South Branch French Creek (RM 6.34)	Erie	South Branch French Creek
Husband Run	Venango	Oil Creek
UNT 54224 to Pine Creek (RM 1.09)	Crawford	Pine Creek
UNT 55192 to Tionesta Creek (RM 25.85)	Forest	Tionesta Creek
Painter Run	Elk	Clarion River

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
UNT 50461 to Elk Creek (RM 1.81)	Elk	Elk Creek
Little Sicily Run	McKean	Sicily Run
Big Run	Jefferson	Mahoning Creek
UNT 48660 to Sandy Lick Creek (RM 14.57)	Jefferson	Sandy Lick Creek
Elk Creek Park Run	Erie	Elk Creek
UNT 59767 to West Branch Conococheague Creek (RM 52.35)	Franklin	West Branch Conococheague Creek

The draft report is available for review on the Department's eComment web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment).

The Department has asked all relevant local jurisdictions to make a copy of this notification available to any and all interested citizens, including those who own real property in the relevant municipalities and to any other parties the municipalities believe may be interested in these evaluations and draft reports.

Interested persons may submit written comments on this draft report through Monday, January 10, 2022. 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. Comments received on the draft report during the public comment period will be reviewed and considered in the Department's evaluation. For further information, contact Mark Brickner, Water Quality Division, [mbrickner@pa.gov](mailto:mbrickner@pa.gov) or (717) 787-9637.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 can contact Mark Brickner directly at (717) 787-9637, or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2072. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Penn Terminals, LLC Eddystone Facility Maintenance Dredging

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation in consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that Penn Terminals, LLC (applicant) is proposing to conduct maintenance dredging at their Eddystone facility in Delaware County (Project).

The applicant's proposed Project involves the performance of maintenance dredging, by mechanical or bucket method, within their existing ship berth area as previously authorized by the United States Army Corps of Engineers (USACE) under section 404 of the Clean Water Act (33 U.S.C.A. § 1344). The applicant's current Federal authorization under section 404 of the Clean Water Act is scheduled to expire on December 31, 2021. The total area proposed to be authorized for dredging is approximately 11 acres in size. The applicant is planning to conduct an initial dredging event upon issuance of a USACE permit, currently scheduled between October 1, 2021, and March 14, 2022. The prior permit authorized dredging to a maximum depth of 36 feet below mean low water elevation (MLW), with allowance for 2 feet of over-dredging, for a total maximum depth of -38 feet MLW. The applicant has stated that berthing of vessels at Penn Terminals requires minor maintenance dredging to an elevation of -38 feet MLW (with a 2 foot over dredge allowance). To

accommodate vessels in this area of the wharf, dredging of approximately 8,000 cubic yards of sediment is anticipated during the initial dredge event. The applicant is requesting a maintenance dredge permit for a period of 10 years. Maintenance dredging events are anticipated to occur approximately every 2 years over a ten year span. Up to 5,000 cubic yards of material would be dredged during each subsequent dredge event, following the initial event, for a maximum total volume of 33,000 cubic yards to be dredged over the 10 year span of the proposed permit (up to six total events). The maintenance dredging would be performed by mechanical clamshell method loading directly into dump scows. Dredging would extend a maximum of 401 feet from the bulkhead and no closer than 774 feet from the edge of the Federal navigation channel. Removal of high spots by means of a "chisel barge" or dropping a steel pipe to break up the material is also requested to be permitted. The dump scows will be transported to either Whites Basin in Logan Township, Gloucester County, NJ or the Waste Management Biles Island disposal facility in Falls Township, Bucks County.

This Project is subject to Department review for Federal consistency because it is an activity requiring a Federal license or permit and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a federal license or permit). The applicant has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Inter-

ested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed\_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, December 27, 2021, before issuing a final Federal consistency concurrence or objection. 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, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2073. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Sixteenmile Creek and Twentymile Creek Maintenance Dredging

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation in consistency determinations. The Department of Environmental Protection (Department) Coastal Resources Management Program has received notice that Northeast Township, Erie County (applicant) is proposing to conduct maintenance dredging in Sixteenmile Creek and Twentymile Creek in Erie County (Project).

The applicant's proposed Project involves the performance of maintenance dredging at the Lake Erie mouths of Sixteenmile Creek and Twentymile Creek in Northeast Township, Erie County, to reduce flooding on adjacent properties in both locations. The applicant proposes the

mechanical removal of excess sediment deposited and partially obstructing the flows from the creeks into Lake Erie. Dredging operations are proposed to occur as needed, up to four times per year. Recovered materials are proposed to be placed onto the Lake Erie beaches directly adjacent to the stream mouths. Excess recovered sediment will be stored by the applicant for future use. The applicant has applied to the United States Army Corps of Engineers for two Federal permits under section 404 of the Clean Water Act (33 U.S.C.A. § 1344), one for each stream mouth location.

This Project is subject to Department review for Federal consistency because it is an activity requiring a Federal license or permit and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), the applicant has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed\_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, December 27, 2021, before issuing a final Federal consistency concurrence or objection. 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, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2074. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Household Hazardous Waste Education Grant Awards 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 awards to Clinton County, Lebanon County and Wyoming 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 offerings 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 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>
Northeast	Wyoming	Wyoming County	HHW Education	\$1,107
Southcentral	Lebanon	Lebanon County	HHW Education	\$46,832
Northcentral	Clinton	Clinton County	HHW Education	\$8,880

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2075. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Nutrient Credit Trading Program; Actions; Certification Request Approvals

The Department of Environmental Protection (Department) has approved the following requests for certification of pollutant reduction activities to generate nitrogen (N) and phosphorus (P) credits under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed). Pollutant reduction activities include the following agriculture best management practices: continuous no-till planting methods (CNT), planting cover crop (CC), conservation tillage (CT), riparian forest buffers, off-stream watering with and without fencing, precision grazing and horse pasture management. These certification request approvals authorize the generation of N credits or P credits, or both, for use by facilities with National Pollutant Discharge Elimination System permits in the compliance year in which the credits are generated. These approvals are valid until September 30, 2025, provided the pollution reduction activities are implemented, maintained and verified in accordance with the plans contained in the approved certification requests. For each of these certification request approvals, the credit generator is the Lycoming County Conservation District (LCCD).

<i>Generator</i>	<i>Site Contact Name</i>	<i>Cert. ID</i>	<i>BMP Name</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Date Certification</i>	<i>Certification Expiration</i>
LCCD	Barbour	872	Off-Stream Watering with Fencing, Precision Grazing, Riparian Forest Buffer	643	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Bishcroft	873	CNT, CT, CC	11,777	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Bosch	874	CNT, CT, CC	1,252	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Dincher	875	Riparian Forest Buffers, Off-Stream Watering with Fencing	625	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Brown, Er.	876	Off-Stream Watering with Fencing, Off-Stream Watering without Fencing, Precision Grazing, Riparian Forest Buffer	1,295	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Brown, Ev.	877	Off-Stream Watering with Fencing, Off-Stream Watering without Fencing, Precision Grazing, Riparian Forest Buffer	409	0	September 4, 2021	October 6, 2021	September 30, 2025

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<i>Generator</i>	<i>Site Contact Name</i>	<i>Cert. ID</i>	<i>BMP Name</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Date Certification</i>	<i>Certification Expiration</i>
LCCD	Fogelman	878	CNT, CT, CC	465	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Gavitt	879	CNT, CT, CC, Off-Stream Watering with Fencing, Riparian Forest Buffer, Rotational Grazing	358	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Harvey	880	CNT, CC	399	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Jarrett	881	CNT, CT, CC	4,567	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Koons	883	CNT, CT, CC	194	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	London	885	CNT, CT, CC, Riparian Forest Buffers, Off-Stream Watering with Fencing, Precision Grazing	1,675	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	McCoy	886	CNT, CT, CC, Riparian Forest Buffers, Horse Pasture Mgmt, Off-Stream Watering with Fencing, Precision Grazing	646	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Mowery	887	CNT, CT	709	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Reitz	889	Horse Pasture Mgmt, Off-Stream Watering with Fencing, Precision Grazing	1,828	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Rogers	890	CNT, CT, CC	151	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Schrack	891	CNT, CT, CC	33,821	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Sherman	892	CC, Off-Stream Watering with Fencing, Precision Grazing, Riparian Forest Buffer	346	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Snyder	893	CNT, CT, CC, Riparian Forest Buffer	608	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Styer	894	CNT, CT, CC	273	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Tebbs	895	CNT, CT, CC	2,182	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Ulmer	896	CNT, CT, CC	3,123	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Vandine	897	CNT, CC	452	0	September 4, 2021	October 6, 2021	September 30, 2025

Persons aggrieved by this action may appeal under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. Chapter 5A (relating to Administrative Agency Law), to the Environmental Hearing Board, Rachel Carson State Office Building, Second Floor, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457.

TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Notices of appeal form and the Board's rules of practice and procedure may be obtained at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at (717) 787-3483. The notice of appeal form and the Board's rules are also available in Braille and on audiotape from the Secretary to the Board.

Important legal rights are at stake. 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. A lawyer is not needed to file a notice of appeal with the Board.

For individuals who wish to challenge this action, appeals must be filed with and received by the Board within 30 days of receipt of notice of this action.

For further information about this action or the Nutrient Credit Trading Program, contact the Division of Operations, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-6744, RA-EPPANutrientTrad@pa.gov or visit the Department's web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2076. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Opening of New Grant Round for County Recycling Coordinator Grant Program under Section 903 of Act 101 (Municipal Waste Planning, Recycling and Waste Reduction Act of 1988)

The Department of Environmental Protection (Department) announces the opening of the application period for the Calendar Year 2021 grant round under section 903 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) (53 P.S. § 4000.903). Only county governments within the Commonwealth are eligible to apply for 50% reimbursement of the approved costs of County Recycling Coordinators' salaries and expenses for Calendar Year 2021 (January 1, 2021, through December 31, 2021). The application deadline is Monday, May 2, 2022, at 4 p.m.

Documents for this grant are available under the "Act 101, Section 903" portion of the "Recycling Financial Assistance" page on the Department's web site at <https://www.dep.pa.gov/Business/Land/Waste/Recycling/Municipal-Resources/FinancialAssistance/Pages/default.aspx>.

#### *Application Requirements*

The following documents are required to complete this grant application. Only the latest version of these forms will be accepted, unless otherwise directed. Do not submit any additional documentation with the application materials unless specifically requested. Documents must be properly completed for an application to be approved.

1. The 903 Application Spreadsheet (An Excel spreadsheet with three tabs—Activities & Expenses Log, Wages & Benefits Log and County Expenses & Reimbursement Log (Department Use Only)).

2. Application for Reimbursement for a County Recycling Coordinator (Section A—F Form).

3. Expense documentation, such as any receipts/invoices and proof of payments necessary for requested reimbursements. Proof of payment can be in the form of an invoice showing a zero balance, paid receipt, cleared check (both sides) or bank/credit card statement showing that the County paid the fees for the requested reimbursement.

4. If the designated County Recycling Coordinator (CRC) is an outside contractor, the county must include with the grant application submission an agreement or Memorandum of Understanding (MOU) between the county and the person designated as the CRC. The agreement must be signed and dated by all parties of the agreement and include effective dates. The agreement must also include the following:

a. Name of the organization or person, or both, who will perform the duties of the CRC.

b. Details of the duties of the organization or person, or both.

c. Percentage of salary, benefits, expenses, and the like, the organization or person, or both, incurs that the county will reimburse that organization and/or person.

d. Detailed expectations (goals) the county has of the organization or person, or both, performing the recycling duties.

#### *Eligibility Requirements*

Applicants must be in compliance with the provisions of Act 101 to receive grant funding reimbursements. Applicants who are not in compliance with Act 101 and Annual Reporting requirements will not be considered.

It is expected the designated County Recycling Coordinator will perform duties in addition to completing grant

applications. These duties include, but are not limited to, improving collection methods, increasing the tonnages of recyclables collected, educating county residents about recycling, assisting municipalities with recycling, updating and maintaining required surveys in the County Recycling Report Program and Recycling & Compost Facility Directory in Re-TRAC Connect and other recycling related activities. A more detailed list of these responsibilities is found under the “Pennsylvania County Recycling Coordinator Responsibilities” section within the “903 County Recycling Coordinator Grant Program Information Instructions” document on the Department’s web site.

Training or out-of-State travel, or both, can qualify for reimbursement if it is: 1) greater than 300 miles from workplace or residence; or 2) includes expenses totaling \$300 or greater. To have training/out-of-State travel reimbursed, at least one month prior to the actual training/travel, a current Department’s Bureau of Waste Management Travel Request Form, along with an itinerary, must be submitted for approval to the designated Regional Recycling Coordinator and 903 County Recycling Program Grant Coordinator. This form is available on the Department’s web site. These requirements are also required for virtual training with a company whose home address is out-of-State.

*Eligible/Ineligible Costs*

Counties are eligible for 50% reimbursement grants for the approved salary and expenses of employing a County Recycling Coordinator. Applicants must specify only one individual to perform the CRC position for the purpose of reimbursement under section 903 of Act 101. Two individuals (for example, county employee and contractor or contractor’s employee) cannot share the same position concurrently.

Eligible County Recycling Coordinator costs include:

- 50% of salary/wages while conducting CRC recycling duties. For more information, please see the “Activities Eligible for Reimbursement for County Recycling Coordinator Grant Application” section in the “903 County Recycling Coordinator Grant Program Information Instructions” document on the Department’s web site.
- 50% of CRC’s employer costs for social security, workers compensation, unemployment compensation and other approved benefits.
- 50% of expenses directly related to recycling.

Eligible recycling expenses include (All training/travel costs must follow State guidelines for reimbursement.):

- Training/travel costs directly related to recycling programs that occur within this Commonwealth.

- Pre-approved training/travel costs related to recycling programs that occur outside of this Commonwealth.

- Recycling program registration and membership fees.

Under this grant program, the following will not be eligible for reimbursement:

- Permit application activities not related to recycling.
- Consulting fees for technical consultation on specific permits.
- Clerical activities, including (for example, the dropping off or picking up of mail, timesheets, paychecks, bank deposits, and the like).
- Office equipment, office maintenance, cell phones and internet subscription and access fees.
- Office supplies, duplicating and postage.
- Clothing allowances.
- Mileage driven to collect recyclables.
- Mileage driven between county offices.
- Other operational expenses (for example, driving vehicles for inspection, repair, and the like).

Further information regarding eligible and noneligible costs is listed in the “Pennsylvania County Recycling Coordinator Grant 903 Program Information Instructions” on the Department’s web site.

*Application Deadline*

Grant applications must be submitted online through the Commonwealth’s Electronic Single Application web site, eGrants, at [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us). Applications must be received by Monday, May 2, 2022, at 4 p.m. to be eligible for funding. Applications will not be accepted after the deadline. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (52 P.S. §§ 4000.701 and 4000.702) and the availability of monies in the Recycling Fund.

*Contact Information*

Inquiries concerning this notice should be directed to JoAnne Yurcaba, 903 Recycling Grants Coordinator, Department of Environmental Protection, Rachel Carson State Office Building, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472, at [jjurcaba@pa.gov](mailto:jjurcaba@pa.gov) or (717) 787-8688.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2077. Filed for public inspection December 10, 2021, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Ambulatory Surgical Facilities; Requests for Exceptions**

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Berks Center For Digestive Health, LP	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)



<i>Facility Name</i>	<i>Regulation and relating to</i>
Doylestown Surgery Center, LLC	28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery)
Muve Chadds Ford Ambulatory Surgical Center	28 Pa. Code § 551.21(d)(1)
Nemours Children's Hospital, Surgery Center, Bryn Mawr	28 Pa. Code § 553.31(a) and (b)
Pottstown Ambulatory Center, LLC	28 Pa. Code § 553.31(a) and (b)
Wellspring Surgery Center—Hanover	28 Pa. Code § 555.23(a) (relating to operative care)

The following ASF has filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and Relating to</i>	<i>Yr<sup>1</sup></i>
Children's Dental Surgery	2.7-3.5.8.7(1)—(3) clinical sink	18-O

<sup>1</sup> 2018 Year FGI Regulations were split into 2 books; *Hospitals, and Outpatient Facilities* as indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 21-2078. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from November 1, 2021, through November 30, 2021. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

#### Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Elite Surgery Center, LLC	§ 551.21(d)(2) (relating to criteria for ambulatory surgery)	11/22/2021	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Western PA Surgery Center—Beaver County Branch	§ 551.21(d)(1)	11/22/2021	Granted Probationary w/Conditions

**Hospitals**

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Encompass Health Rehabilitation Hospital of Altoona, LLC	§ 101.31(5) (relating to hospital requirements)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Erie, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Harmarville, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Nittany Valley	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Reading, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Sewickley, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of York, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Geisinger—Bloomsburg Hospital	§ 107.64 (relating to administration of drugs)	11/04/2021	Granted w/Conditions
Geisinger—Community Medical Center	§ 107.64	11/04/2021	Granted w/Conditions
Geisinger Encompass Health Rehabilitation Hospital	§ 101.31(5)	11/02/2021	Granted w/Conditions
Geisinger Medical Center Muncy	§ 107.62(a) and (b) (relating to oral orders)	11/04/2021	Granted w/Conditions
	§ 123.25(2) (relating to regulations for control of anesthetic explosion hazards)	11/04/2021	Granted w/Conditions
Geisinger Wyoming Valley Medical Center	§ 107.64 (relating to administration of drugs)	11/04/2021	Granted w/Conditions
Meadville Medical Center	§ 153.1(a) (relating to minimum standards) 2.2-3.4.2.2(2)(a) space requirements	11/17/2021	Granted
The Milton S. Hershey Medical Center	§ 153.1(a) 2.1-8.4.2.6(1)(a) drainage systems	11/22/2021	Granted
Penn Highlands Dubois	§ 153.1(a) 2.1-3.2.1.2(2)(a)(i) single-patient examination/observation room	11/02/2021	Granted
	§ 153.1(a) 2.1-7.2.2.3(2)(a) doors and door hardware	11/02/2021	Granted
	§ 153.1(a) 2.1-8.3.6 electrical receptacles	11/02/2021	Granted
	§ 153.1(a) 2.1-8.4.3.2(2) hand-washing station sinks	11/02/2021	Granted
Penn Highlands Huntingdon	§ 153.1(a) 2.1-8.4.3.2 hand-washing station sinks	11/02/2021	Granted Temporary
	§ 153.1(a) 2.2-2.2.2.1(1) capacity	11/02/2021	Granted w/Conditions
	§ 153.1(a) 2.2-2.2.2.2(2)(b) clearances	11/02/2021	Granted
	§ 153.1(a) 2.2-3.1.3.7 patient toilet room	11/02/2021	Granted Temporary
Penn Highlands Mon Valley	§ 153.1(a) 2.2-3.4.2.2(2)(a) space requirements	11/22/2021	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Thomas Jefferson University Hospitals, Inc.	§ 153.1(a) 2.1-8.5.2.3(2) technology distribution room (TDR)	11/17/2021	Granted
West Penn Hospital	§ 153.1(a) 2.1-3.4.2.5 hand-washing stations	11/17/2021	Granted

#### Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Athens Health and Rehabilitation Center	§ 201.22(h) (relating to prevention, control and surveillance of tuberculosis (TB))	11/08/2021	Granted
Clarion Healthcare and Rehabilitation Center	§ 201.22(j)	11/29/2021	Granted
Darway Healthcare and Rehabilitation Center	§ 201.22(e)	11/08/2021	Granted
Embassy of Hearthsides	§ 201.22(j)	11/08/2021	Granted
The Glen at Willow Valley	§ 201.3 (relating to definitions)	11/15/2021	Granted
The Glen at Willow Valley	§ 205.36(h) (relating to bathing facilities)	11/29/2021	Granted
Haida Healthcare and Rehabilitation Center	§ 211.9(g) (relating to pharmacy services)	11/22/2021	Granted
Highland View Healthcare and Rehabilitation Center	§ 201.22(j)	11/08/2021	Granted
Homewood at Martinsburg, PA, Inc.	§ 201.22(j)	11/08/2021	Granted
Lakeside at Willow Valley	§ 201.3	11/29/2021	Granted
Laurelwood Care Center	§ 201.22(j)	11/22/2021	Granted
Meyersdale Healthcare and Rehabilitation Center	§ 201.22(j)	11/08/2021	Granted
Mountain Laurel Healthcare and Rehabilitation Center	§ 201.22(j)	11/08/2021	Granted
Mulberry Healthcare and Rehabilitation Center	§ 201.22(j)	11/15/2021	Granted
Oak Hill Healthcare and Rehabilitation Center	§ 201.22(j)	11/08/2021	Granted
Penn Highlands Jefferson Manor	§ 201.22(d) and (e)	08/21/2021	Granted
Quality Life Services—Mercer	§ 201.22(j)	11/08/2021	Granted
Ridgeview Healthcare and Rehabilitation Center	§ 201.22(j)	11/15/2021	Granted
Smith Health Care, Ltd.	§ 211.12(f)(1) (relating to nursing services)	11/29/2021	Denied
Susque-View Home, Inc.	§ 201.22(d), (e) and (j)	11/08/2021	Granted
Westmoreland Manor	§ 201.22(e), (j) and (k)	08/07/2021	Granted

#### Home Health

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Advanced Personal Care	§ 601.31 (relating to acceptance of patients, plan of treatment and medical supervision)	11/05/2021	Granted
Aveanna Healthcare—Allentown	§ 601.31	11/05/2021	Granted
Aveanna Healthcare—Dubois	§ 601.31	11/05/2021	Granted
Aveanna Healthcare—Smethport	§ 601.31	11/05/2021	Granted
Aveanna Healthcare—Wilkes-Barre	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Bartonsville	§ 601.31	11/05/2021	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Bayada Home Health Care—Blairsville	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Bloomsburg	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Blue Bell	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Bridge Street, Philadelphia	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Cedar Crest Boulevard, Allentown	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Clarks Summit	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Delaware Avenue, Philadelphia	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—East 3rd Street, Williamsport	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—East 4th Street, Williamsport	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Exton	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Harrisburg	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Jamison	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Lancaster	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Lehighon	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Lititz	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Lock Haven	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Meadville	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Mechanicsburg	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Media	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Meridian Boulevard, Wilkes-Barre	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Monroeville	§ 601.6 (relating to definitions), specifically the definition of home health aide	11/05/2021	Granted
	§ 601.22(a)—(c) (relating to agency evaluation and review)	11/05/2021	Granted
	§ 601.35(c) (relating to home health aide services)	11/05/2021	Granted
Bayada Home Health Care—Newtown Square	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Old William Penn Highway, Monroeville	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Oxford Drive, Monroeville	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Peninsula Drive, Erie	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Pond Road, Allentown	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Selinsgrove	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—State College	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Towanda	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—West 12th Street, Erie	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Wilkes-Barre Boulevard, Wilkes-Barre	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Wyomissing	§ 601.31	11/05/2021	Granted



<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Bayada Home Health Care—Zelienople	§ 601.31	11/05/2021	Granted
Bayada Home Health Care, Inc.—Bethlehem	§ 601.31	11/05/2021	Granted
Continuous Home Care, Inc.	§ 601.31	11/05/2021	Granted
Saint Luke's Home Health	§ 601.31	11/05/2021	Granted
Tower Health at Home—Berks	§ 601.31	11/05/2021	Granted
Traditional Home Health Care, Inc.	§ 601.31	11/05/2021	Granted
VNA of Western PA—Butler	§ 601.31	11/05/2021	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone 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. 21-2079. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Clarion Hospital	28 Pa. Code § 107.61 (relating to written orders)
Geisinger Jersey Shore Hospital	28 Pa. Code § 109.2(b) (relating to director of nursing services)
	28 Pa. Code § 135.5 (relating to surgical emergency care)
Geisinger Medical Center Muncy	28 Pa. Code § 107.26(b)(8) (relating to additional committees)
Geisinger—Lewistown Hospital	28 Pa. Code § 107.64 (relating to administration of drugs)
Magee Rehabilitation Hospital	28 Pa. Code § 109.2(b)
Penn State Health Hampden Medical Center	28 Pa. Code § 109.2(b)
Roxborough Memorial Hospital	28 Pa. Code § 107.61
Saint Luke's Hospital of Bethlehem, PA	28 Pa. Code § 138.18(b) (relating to EPS studies)
Saint Luke's Hospital—Anderson Campus	28 Pa. Code § 138.18(b)
Saint Luke's Hospital—Carbon Campus	28 Pa. Code § 107.2 (relating to medical staff membership)
	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b) (relating to oral orders)
	28 Pa. Code § 109.2(b)
	28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards)
	28 Pa. Code § 127.32 (relating to written orders)
	28 Pa. Code § 138.18(b)
Saint Luke's Hospital—Miners Campus	28 Pa. Code § 109.2(b)
Saint Luke's Hospital—Monroe Campus	28 Pa. Code § 138.18(b)
Wellspan Gettysburg Hospital	28 Pa. Code § 143.4 (relating to medical appraisal of a podiatric patient)
	28 Pa. Code § 143.5 (relating to medical supervision of podiatric patients)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
Geisinger Medical Center	2.2-3.4.7.1(2) general	18
UPMC Presbyterian Shadyside	2.1-2.4.3.1(2)(a) general	18
	2.1-2.4.3.9(1)(b) special design elements	18
	2.5-2.2.2.6(1) patient toilet room	18
Wellspan Gettysburg Hospital	2.1-3.4.1.4(1) and (2) number of patient care stations	18
	2.2-3.4.8.15(1)—(3) pre- and post-procedure patient care area	18

<sup>1</sup> 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-2080. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board Meetings

The Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. § 872.1—872.40), has set its calendar for 2022. The meeting dates are scheduled as follows: January 25, 2022; April 26, 2022; July 26, 2022; and October 25, 2022.

Meetings will begin at 9:30 a.m. The meeting location will depend on current novel coronavirus (COVID-19) mitigation efforts. If in-person meetings are permitted, the meeting will be held in Room 129, Pennsylvania Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. If in-person meetings are not permitted, the meeting will be held virtually at [bit.ly/ABC\\_MAP](https://bit.ly/ABC_MAP). To dial-in, call (267) 332-8737, conference ID 984 603 74#.

Items to be discussed at the meetings include program status updates and current and upcoming activities.

For additional information, for individuals who wish to attend the meetings or for persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact the Clerical Supervisor of the Drug Surveillance and Misuse Prevention Office, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 836-3623, 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).

These meetings are subject to cancellation without notice.

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-2081. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Recognized Lifeguard Certifying Authorities for 2022; Amended Notice

This notice amends the original Recognized Lifeguard Certifying Authorities for 2022 notice, published at 51 Pa.B. 7132 (November 13, 2021), to include Lifeguard-Pro as a lifeguard certifying authority meeting the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and is recognized by the Department of Health as a lifeguard certifying authority for 2022. The remainder of 51 Pa.B. 7132 remains unchanged.

For additional information or persons with a disability who require an alternative format of this notice, (for example, large print, audiotope, Braille) contact Keri Seitz, Limited English Proficiency Coordinator, Department of Health, Bureau of Community Health Systems, 30 Kline Plaza, Harrisburg, PA 17104, (717) 787-4366.

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. 21-2082. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Determination of the Average Wholesale Price of Prescription Drugs by the Department

Under 34 Pa. Code § 127.131(b) (relating to payments for prescription drugs and pharmaceuticals—generally), the Department of Labor and Industry, Bureau of Workers' Compensation, gives notice that it utilizes the *IBM Micromedex Red Book* to determine the average wholesale price of prescription drugs.

JENNIFER BERRIER,  
*Secretary*

[Pa.B. Doc. No. 21-2083. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to compensation policy) the Department of Labor and Industry, Bureau of Workers' Compensation (Bureau) gives notice of the range of fees charged by Utilization Review Organizations (URO) and Peer Review Organizations (PRO) for services performed under the Workers' Compensation Act (act) (77 P.S. §§ 1—1041.4 and 2501—2625) during 2020.

#### 2020 Range of Fees Charged by UROs and PROs

<i>URO/PRO</i>	<i>Minimum Fee</i>	<i>Maximum Fee</i>
Alico Services LTD	\$564.33	\$3,620.33
American Review Systems, Inc.	\$644.00	\$6,586.55
CAB Medical Consultants	\$475.00	\$5,739.04
Caduceus Lex Medical Auditing	\$376.65	\$4,851.17
CEC, Inc.	\$826.10	\$8,701.20
Chiro Med Review Co.	\$423.80	\$5,515.43
De Novo Management	\$514.85	\$4,825.05
Disability Management Consultants, LLC	\$1,706.90	\$5,754.51
Disability Review Services, LLC	\$1,600.00	\$6,759.74
DLB Services	\$414.81	\$4,334.25
Hajduk & Assoc. URO/PRO Services	\$943.99	\$10,030.74
Industrial Rehabilitation Associates	\$575.00	\$3,900.00
Keystone Medical Auditing	\$309.75	\$2,941.83
KVS Consulting Services	\$971.85	\$15,212.52
Laurel Reviews	\$528.75	\$3,892.25
Margroff Review Services	\$799.54	\$9,738.34
McBride & McBride Associates	\$516.83	\$6,613.85

## DEPARTMENT OF LABOR AND INDUSTRY

### Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 2021, the maximum compensation payable under Article 1, sections 150.1 and 105.2 of the Workers' Compensation Act (77 P.S. §§ 25.1 and 25.2) shall be \$1,205 per week for injuries occurring on and after January 1, 2022. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 2022, the percentage increase in the Statewide Average Weekly Wage is 6.6%.

JENNIFER BERRIER,  
*Secretary*

[Pa.B. Doc. No. 21-2084. Filed for public inspection December 10, 2021, 9:00 a.m.]

<i>URO/PRO</i>	<i>Minimum Fee</i>	<i>Maximum Fee</i>
Physio Solutions, LLC	\$2,642.82	\$7,498.26
Quality Assurance Reviews, Inc.	\$631.00	\$5,512.14
Rachels Reviews	\$518.67	\$4,625.52
T & G Reviews	\$850.00	\$3,986.65
Uniontown MRPC	\$366.10	\$4,021.30
Watson Review Services	\$356.52	\$6,223.64
West Penn IME, Inc.	\$766.84	\$8,859.22

34 Pa. Code § 127.667(b): The Bureau will publish in the *Pennsylvania Bulletin*, on an annual basis, the range of fees charged by each URO and PRO for services performed under the act and this chapter during the preceding year.

JENNIFER BERRIER,  
*Secretary*

[Pa.B. Doc. No. 21-2085. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Solicitation of Public Comment on the Pennsylvania Workforce Innovation and Opportunity Act Combined State Plan for 2020—2024

The Department of Labor and Industry (Department), Pennsylvania Workforce Development Board announces a period of public comment beginning December 20, 2021, for the 2-year modification of the Commonwealth's proposed Federal fiscal year 2020 Workforce Innovation and Opportunity Act (WIOA) Combined State Plan (Plan) for 2020—2024. The Plan is the blueprint for the provision of workforce development services in this Commonwealth. This notice is provided under the WIOA of 2014.

The WIOA requires the governor of each state to submit a 4-year unified or combined state plan outlining the state's workforce development strategy and modify that plan after 2 years. The Commonwealth plans to submit a Plan to include the six core programs (Adult, Dislocated Worker, Youth, Wagner-Peyser, Adult Basic Education and Vocational Rehabilitation), as well the following optional programs:

- Career and Technical Education
- Temporary Assistance for Needy Families
- Supplemental Nutrition Assistance Program
- Trade Adjustment Assistance for Workers
- Jobs for Veterans State Grants
- Senior Community Service Employment
- Community Services Block Grant
- Reintegration of Ex-Offenders

This comment period provides individuals, advocates and other interested parties or organizations, or both, opportunities to present their views and recommendations regarding workforce development services in this Commonwealth.

Written comments may be submitted by mail to the Pennsylvania Workforce Development Board, 651 Boas Street, Room 514, Harrisburg, PA 17121 or by e-mail to RA-LI-PAWDB@pa.gov.

Written comments must be received no later than 5 p.m. Tuesday, January 18, 2022.

To obtain a copy of the proposed modification to the 2020—2024 WIOA Plan visit the Department's web site at <https://www.dli.pa.gov/Businesses/Workforce-Development/Pages/WIOA.aspx> and click on "2022 Draft WIOA Combined State Plan Modification."

JENNIFER BERRIER,  
*Secretary*

[Pa.B. Doc. No. 21-2086. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Notice of Taxable and Exempt Property

The Department of Revenue (Department) is hereby giving notice to the public, in accordance with the provisions of 61 Pa. Code §§ 52.1 and 58.1 (relating to purchases of medicines, medical supplies, medical equipment and prosthetic or therapeutic devices; and publication of the list of taxable and exempt tangible personal property), of additions, deletions and revisions to the list of taxable and exempt property under the sales and use tax provisions of the Tax Reform Code of 1971 (71 P.S. §§ 7101—10004), published at 49 Pa.B. 3169 (June 15, 2019). Under 61 Pa. Code §§ 52.1 and 58.1, this list is required to be published by notice at least once every 3 years. In addition, quarterly the Department will publish notice of any additions, deletions or revisions to the list.

Copies of the Retailers' Information Booklet may be obtained by calling the 24-hour answering service numbers for forms ordering: Nationwide (800) 362-2050; and TT only (800) 447-3020.

#### Index to Categories

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Business Supplies and Equipment	(2)
CBD and Hemp Products	(3)
Clothing and Accessories	(4)
Computer Hardware, Digital Products and Streaming Services	(5)
Cosmetics and Toiletries	(6)
Farming Supplies and Equipment	(7)



<i>Title</i>	<i>Category</i>
Flowers, Seeds, Fertilizers, etc.	(8)
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Food and Beverages Sold From a Vending Machine, Delicatessen, Grocery Store, Supermarket, Farmers Market, Bakery, Donut Shop, Pastry Shop, Convenience Store and Other Similar Establishments	(10)
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### Listing of Taxable and Exempt Property

**T—TAXABLE**

**NT—NONTAXABLE**

**\*—INDICATES CHANGE OR CLARIFICATION**

**\*\*—INDICATES NEW ITEM**

**\*\*\*—INDICATES SUBJECT TO OTHER TOBACCO TAX**

#### (1) *Books and Stationery*

Tax is imposed on books, stationery and stationery supplies, including Bibles and religious publications sold by religious groups. Tax is imposed whether physically, electronically, or digitally delivered, streamed or accessed.

T—Bibles

T—Comic books

T—Crossword, game books

T—Dictionaries

T—E-books

T—Greeting Cards

T—Instruction books for needle-craft, embroidery, knitting, etc.

NT—Mail order catalogues

NT—Newspapers of general circulation qualified to carry a legal advertisement

T—Periodicals and magazines not purchased by subscription

NT—Periodicals and magazines purchased by subscription

T—Photographs

T—School supplies, except when sold directly to a school district or qualified nonprofit educational institution

T—Subscription to access e-books

NT—Textbooks, when sold by a school or an authorized book store

T—Yearbooks

#### (2) *Business Supplies and Equipment*

Generally, sales of business supplies and equipment used in construction, repair, etc., of real estate are taxable.

T—Building materials, supplies and equipment used in construction, repair, etc., of real estate, except building machinery and equipment purchased by or for certain exempt entities

T—Business forms such as invoices, order books, etc.

T—Cash register receipt paper

NT—Direct mail advertising materials, including calendars, matchbooks, etc.

T—Display cases and merchandising equipment

NT—Dry ice, when sold for internal packaging with the sale of property to others

T—Fans

T—Signs, circulars, show cards and posters

T—Vending machines and equipment

NT—Wrapping supplies used in connection with the sale of products

#### (3) *\*\*CBD and Hemp Products*

Cannabidiol (CBD) and hemp products are considered tangible personal property. These products are taxable unless they fall into a sales tax exemption category or are subject to the Other Tobacco Tax. Please note, this list is not a representation as to the legality of the products.

\*\* NT—Clothing and Shoes

\*\* NT—Edible

\*\* NT—Gummies

\*\* NT—Hemp Diapers

\*\* NT—Inhaler

\*\* NT—Nasal Spray

\*\* NT—Oral Drops

\*\* NT—Patch

\*\* NT—Pills

\*\* NT—Seed Milk

\*\* NT—Tinctures

\*\* NT—Superfood Supplement

\*\* NT—Hemp Fuel (may be subject to alternative fuels)

\*\* T—Rope

\*\* T—CBD/Hemp mixed with beer

\*\*\* NT—CBD/Hemp to be vaped

\*\* T—CBD/Hemp Flower for smoking

\*\* T—Hemp Paper

\*\* T—Hempcrete

\*\* T—Liquid CBD/Hemp premixed with water

\*\* T—Lotions and Creams

\*\* T—Post Recovery Drink

\*\* NT—Protein Powder

\*\* T—Soap

\*\* T—Sunscreen

\*\* T—Supplement (Pets)

(4) *Clothing and Accessories*

Generally, clothing is nontaxable except the following: (1) Formal day or evening apparel; (2) Articles made of real, imitation or synthetic fur, where the fur is more than three times the value of the next most valuable component material; and (3) Sporting goods and clothing normally worn or used when engaged in sports (See Category 25).

T—Accessories and ornamental wear  
 NT—Aprons  
 NT—Belts and suspenders  
 T—Biking clothing  
 NT—Boots and shoes, designed for everyday wear  
 T—Bridal apparel and accessories  
 \* NT—Compression clothing  
 T—Corsages and boutonnières  
 T—Costumes—Halloween, Christmas, etc.  
 NT—Dress shields  
 \*\* NT—Face masks  
 T—Formal clothing or clothing designed for formal functions and not normally worn except while attending a formal function, including mother of the bride dresses, flower girl dresses, tuxedos, dinner jackets, and formal ties.  
 T—Fur, articles made of fur on hide or pelt, or any material imitative of fur, and articles of which fur, real, imitation or synthetic, is the component material of chief value; and fur trimmed articles, if the value of fur is more than three times the value of the next most valuable component material. Felt, wool or fabric is not taxable unless it resembles fur on the hide.  
 NT—Garters and garter belts  
 NT—Girdles  
 T—Gloves, baseball, golf, racquet, etc.  
 NT—Gloves, cloth and leather, for everyday wear  
 NT—Gloves, gardening  
 T—Gloves, sheepskin, fur, rubber  
 T—Graduation caps and gowns  
 NT—Gym suits  
 T—Handkerchiefs  
 NT—Headwear for everyday wear  
 T—Helmets  
 NT—Hosiery, pantyhose and peds  
 NT—Hunting clothing, including camouflage and blaze orange  
 NT—Leotards and tights  
 NT—Leather wearing apparel  
 NT—Lingerie  
 NT—Maternity clothing for everyday wear  
 NT—Neckwear, ties  
 NT—Nightgowns  
 T—Prom dresses  
 NT—Rainwear  
 NT—Receiving blankets  
 NT—Repairing of wearing apparel  
 T—Safety clothing  
 NT—Scarves, for headwear and neckwear  
 NT—Scout uniforms and camp clothes  
 T—Sheepskin boots  
 T—Sheepskin coats  
 NT—Stockings, including support-hose  
 NT—Suspenders  
 T—Swimming suits  
 NT—T-shirts, imprinted  
 T—Tuxedos  
 T—Umbrellas  
 NT—Underclothing  
 NT—Work clothes, work uniforms  
 NT—Yard goods (to make clothing)

(5) *Computer Hardware, Digital Products and Streaming Services*

Generally, tax is imposed upon the sale or use of computer hardware. Canned software is taxable including canned software products and services accessed by end users in Pennsylvania via computer devices, such as smartphones. Canned software is software that is not designed, created and developed for and to the specifications of an original purchaser. Additionally, sales and use tax applies to any transfer of a digital product where the purchaser pays a consideration, unless that transfer is otherwise exempt.

T—Canned computer software, whether accessed by physical medium such as a CD-ROM or accessed electronically  
 T—Cellular telephones, smartphones, and accessories  
 T—Computer tablets, e-readers, and accessories  
 T—Desktop computer hardware and accessories such as monitors, keyboards, and mice  
 T—GPS navigation equipment and services  
 T—Laptop computers  
 T—Mobile applications (apps); in-app purchases  
 T—Satellite radio equipment, services and subscriptions  
 T—Updates and maintenance to support the above items  
 T—Video and audio including downloads, subscriptions and streaming services, consoles and equipment  
 T—Video games including downloads, subscriptions and streaming services, consoles and equipment

(6) *Cosmetics and Toiletries*

T—After shave creams, lotions, powders  
 T—Antiperspirants  
 T—Aromatherapy products (candles, oils, washes, etc.)  
 T—Atomizers containing perfume and other liquids  
 T—Bath milks, oils, powders, salts, tablets, crystals, etc.  
 T—Bath and shower gels and body shampoos  
 T—Bleach creams and lotions  
 T—Blush, rouges  
 T—Body lotion and creams  
 T—Breath fresheners and breath sprays  
 T—Bubble bath preparations  
 T—Cocoa butter, if advertised or labeled for cosmetic purposes  
 T—Colognes  
 T—Compacts containing blush or powder, compact refills  
 T—Cosmetics  
 T—Creams, cleansing, beauty or cold  
 T—Creams, protective (having cosmetic claims or use as skin creams, antiperspirants)  
 T—Cuticle softeners and removers  
 T—Deodorants (even though having a medicinal or curative value, if advertised or labeled for use as a body deodorant)  
 T—Deodorants (for use in closets, bureau drawers, etc., for imparting fragrance to clothing)  
 NT—Deodorants, colostomy  
 T—Dusting powders  
 T—Eye shadows, eyeliner  
 T—Eyebrow pencils  
 T—Eyelash mascara and eyelash and brow dyes  
 T—Face lotions, facial oils, face creams  
 T—Face packs  
 T—Face powders, in loose or cake and liquid form  
 T—Foundation makeup  
 T—Freckle removers, vanishing creams  
 T—Hair conditioners and rinses  
 T—Hair dyes, colorings, tints, rinses and bleaches  
 T—Hair gels and mousse  
 T—Hair oils  
 T—Hair removers

NT—Hair restorative medications  
 T—Hair straighteners  
 T—Hair straightening lotions, creams, conditioners and rinses  
 T—Hairdressings, lotions, tonics and pomades (regardless of whether they are colored or scented)  
 T—Hairsprays  
 T—Hand lotions, creams and sanitizers  
 T—Lip balm and ointments  
 T—Lipsticks, lipstick refills, liquid lip color, lip liner and lip gloss  
 T—Lotions, cleansing and beauty  
 T—Makeup remover  
 T—Manicure preparations and kits  
 T—Mask preparations  
 T—Massage creams  
 T—Mouthwashes  
 T—Nail bleaches  
 T—Nail polish removers  
 T—Nail polishes, nail lacquers, nail enamel  
 T—Perfume novelties, containing perfume  
 T—Perfumes and perfume ingredient kits  
 T—Permanent waving creams, lotions, neutralizer and kits  
 T—Powder bases (liquid, cream and pressed)  
 T—Sachets containing powder or aroma producing materials  
 T—Scalp lotions, which are used or intended for use as a treatment for dry or oily hair  
 T—Shampoos  
 T—Shaving preparations, creams, lotions, powders, including medicated preparations  
 T—Skin balms, bleaches, creams, fresheners, lotions, oils, tonics or whiteners  
 T—Sun allergy cream  
 T—Sunburn preventives—suntan creams, lotions, oils, sunblock, etc.  
 NT—Sunburn treatment, lotions or creams  
 T—Talcum powder  
 NT—Toothbrush, electric  
 NT—Toothbrush, toothpaste, tooth cleaners, dental floss and replacement brushes for electric toothbrush  
 \* T—Waterpiks and water flossers  
 T—Wave set, paste, powder or lotion  
 T—Wrinkle removing and concealing preparations

(7) *Farming Supplies and Equipment*

The tax is not imposed upon the sale of property to a farmer to be used or consumed directly in the business of producing agricultural products. Home gardening is not considered farming. See REV-1729, Tax Information for Farmers, for additional information.

NT—Artificial breeding equipment and supplies  
 NT—Blacksmith/farrier services for commercial racehorses or horses used directly in farming  
 T—Building supplies and materials used to build and repair barns, sheds, coops, etc.  
 NT—Cleaners and disinfectants used in cleaning milking equipment and to sterilize milk cans to prevent spoilage. (Property used for general farm cleaning and maintenance is taxable.)  
 NT—Equipment used to extract a product from productive animals or from the soil, such as harvesters, combines, binders, forage blowers, milking equipment, egg collecting equipment, corn shuckers, threshers, manure handling equipment  
 NT—Equipment such as barn shovels, ensilage forks, wheelbarrows and feed carts  
 NT—Feed and feed additives for productive animals

\*\* T—Feed for the raising of non-productive animals for hunting or zoos  
 T—Fencing  
 NT—Fertilizer and chemical additives to be added to soil  
 T—Fire prevention and safety equipment  
 NT—Fuel for use in heating poultry brooder and greenhouses  
 NT—Fumigation services upon agricultural commodities or containers used for agricultural commodities  
 T—Greenhouses and mushroom houses (if permanently installed to the real estate)  
 NT—Grooming materials, equipment and supplies when necessary for the health of productive animals  
 NT—Harnesses used to control productive animals on the farm  
 NT—Ice  
 NT—Livestock equipment to dispense chemicals, medicines and feed additives  
 NT—Livestock feeding equipment such as tubs, buckets, cans, etc., feed scoops and portable watering devices  
 T—Maintenance facilities including tools, machinery and equipment to maintain machinery, equipment or building property, such as chain hoists, tire spreaders, drills, sanders, lumber, nails, wrenches, brooms, welding equipment, paint brushes and sprayers  
 NT—Milk strainers and strainer discs and towels (dispensers to store and dispense the discs are taxable)  
 T—Motor vehicles, if required to be licensed by the Pennsylvania Department of Transportation  
 \*\* NT—Multipurpose agricultural vehicle (ATV), when used for farming  
 NT—Pest control services for agricultural purposes  
 NT—Property which becomes an ingredient or constituent of a farm product or is consumed by productive animals or plant growth, such as seeds, fertilizer, chemical additives, etc., and property such as seeders, planters, plows, harrows, cultivators, sprayers and similar equipment used to till soil, plant, seed and care for productive plants  
 NT—Property used to handle, store or preserve farm products or productive animals on farm premises such as chemicals, grooming equipment (dehorners, debeakers, hoof trimmers, calf weaners, etc.)  
 T—Property used to transport or convey the farm product after the final farming operation  
 NT—Refrigeration or cooling equipment used to store and preserve farm products  
 NT—Replacement parts such as tires, motors, belts, cutting edges, air filters, gears and similar replacement parts installed on exempt equipment. Motor fuels, lubricants, compressed air, distilled water, abrasives and similar supplies when used in operating exempt machinery are not taxable. Tools and equipment to apply parts and supplies are taxable.  
 NT—Seeds  
 NT—Silos  
 T—Water heater for cleaning dairy equipment and supplies  
 NT—Water pump for farm use  
 NT—Wrapping supplies and containers which are non-returnable to deliver self-produced farm products

(8) *Flowers, Seeds, Fertilizers, etc.*

The tax is imposed upon the sale of property which is purchased by persons not engaged in the business of farming.

T—Fertilizer, sprays, insecticides  
 T—Gardening supplies  
 T—Seeds and bulbs

T—Vegetable seeds, vegetable plants, flowers and fruit trees  
 NT—Vegetable seeds, vegetable plants and fruit trees purchased with food stamps

(9) *Food and Beverage Sold From a Caterer or Establishment Selling Ready-to-Eat Food*

Generally, tax is imposed on food and beverages sold from a caterer or an establishment selling ready-to-eat food and beverages for consumption on or off the premises, on a take-out or to-go basis, or delivered to the purchaser or consumer. An establishment selling ready-to-eat food and beverages is defined by law to include a restaurant, cafe, lunch counter, private or social club, tavern, dining car, hotel, night club, fast food operation, pizzeria, fair, carnival, lunch cart, ice cream stand, snack bar, lunch truck, cafeteria, employee cafeteria, theatre, stadium, arena, amusement park, juice stand, carryout shop, coffee shop, popcorn stand and other establishments, whether mobile or immobile. The law specifically excludes certain businesses from this definition and these establishments are discussed in Section 10.

T—All food and beverages, in any quantity, including both food and beverages prepared on the premises and prepackaged food and beverages, unless specifically exempt

NT—Candy and gum

T—Food supplements and substitutes

NT—Ice

T—Nonalcoholic beverages

NT—Water

\*\* T—Wine, sold for consumption off-premises or on a to-go basis

(10) *Food and Beverages Sold From a Vending Machine, Delicatessen, Grocery Store, Supermarket, Farmers Market, Bakery, Donut Shop, Pastry Shop, Convenience Store and Other Similar Establishments*

Generally, tax is not imposed on food and beverages sold from other than a caterer or establishment selling ready-to-eat food and beverages. However, tax is imposed upon selected food and beverage items listed as taxable as follows, when sold from the establishments previously listed.

\*\* NT—Beer, six packs (unless sold by a distributor)

NT—Bitters and grenadine

T—Breath mints

T—Brewed coffee

NT—Candy apples

NT—Candy and gum

NT—Caramel corn

NT—Coffee beans, whole or ground

NT—Coffee, cold bottled and flavored

T—Coffee, hot

NT—Deli items such as meats and cheeses, potato salad, macaroni salad, etc.

T—Energy drinks or shots 4 ounces or greater

NT—Energy drinks or shots less than 4 ounces

NT—Food, fruit drinks, soft drinks and sandwiches purchased with food stamps

NT—Food supplements in any form

NT—Fruit drinks, noncarbonated or reconstituted, containing at least 25% natural fruit juice

T—Fruit drinks, noncarbonated or reconstituted, containing less than 25% natural fruit juice

T—Hot beverages

T—Hot food items

T—Hot soup

T—Hot pizza

NT—Ice

T—Ice cream, yogurt and other ice based products when hand dipped or hand served

T—Kool-Aid

T—Meals—not including prepackaged frozen meals or meals requiring additional preparation

NT—Milk

T—Nonalcoholic beverages unless specifically exempt

NT—Party trays, vegetable, cheese, seafood, meat

NT—Power/Energy Bars

NT—Pretzels and chips

NT—Protein Bars

T—Pumpkins—for decoration

NT—Pumpkins—for food

T—Salad bars, self-service

T—Sandwiches

T—Soft drinks, bottled and non-bottled (including soft drink mixes in powder, liquid or tablet form)

NT—Soy milk

T—Sports drinks

T—Sushi

NT—Sweeteners, artificial

NT—Tea, all forms including liquid and powdered tea, except hot tea

NT—Water, including nonflavored mineral water

T—Water, flavored, including vitamin water

(11) *Hair Goods and Notions*

Generally, hair goods are taxable unless the item qualifies as clothing.

T—Blow-dryers

T—Hair goods and notions, such as barrettes, hair pins, hair nets, curlers, clips, hair bow holders, combs, brushes, chignons, bandeaux

T—Irons, curling and flat

T—Shower caps

T—Wigs and toupees (the service of cleaning, styling, etc., also is taxable)

(12) *Hobby Supplies, Toys, Games, Radios, etc.*

T—Amusement rentals

T—Audio players, components and accessories, records, compact discs

T—Baseball, football cards, etc.

T—Bicycles and parts

T—Boats and equipment

T—Bounce house rentals

T—Games

T—Hobby supplies

T—Musical instruments and sheet music

T—Photographic and projection equipment and supplies

T—Photographic services, film developing, printing, processing, mounting, coloring, etc.

T—Playing cards

T—Pocket knives

T—Radios, TV sets, receiving equipment

T—Tape recorders and tapes

T—Toys

T—Video cassettes and discs, recorders, players, components and accessories and cameras

(13) *Home Sewing, Millinery and Craft Supplies*

Clothing is defined as articles designed for everyday wear. Goods and items which are to become a component part of clothing are not taxable. Goods and items which become a component of articles other than clothing, such as formal wear and crafts, are taxable. Equipment and supplies used in sewing are taxable.

T—Artificial flowers

T—Buckles for articles other than clothing



NT—Buckles for clothing  
 T—Buttons for articles other than clothing  
 NT—Buttons for clothing  
 T—Dress forms  
 NT—Dress patterns  
 NT—Dye, clothing fabric  
 T—Elastics for articles other than clothing  
 NT—Elastics for clothing  
 T—Embroidery hoops  
 NT—Embroidery of clothing  
 T—Embroidery of formal wear and other items  
 T—Fabrics for articles other than clothing  
 NT—Fabrics for clothing  
 T—Hooks and eyes for articles other than clothing  
 NT—Hooks and eyes for clothing  
 T—Knitting yarn for articles other than clothing  
 NT—Knitting yarn for clothing  
 T—Laces, ribbons, edgings, trimmings for articles other than clothing  
 NT—Laces, ribbons, edgings, trimmings for clothing  
 T—Needle-craft instruction books  
 T—Needles  
 T—Rug yarns  
 T—Scissors  
 T—Sewing kits  
 NT—Shoulder pads  
 T—Tape measures  
 T—Thimbles  
 T—Thread for articles other than clothing  
 NT—Thread for clothing  
 T—Yarn goods for articles other than clothing  
 NT—Yarn goods for clothing  
 T—Yarn holders  
 T—Zippers for articles other than clothing  
 NT—Zippers for clothing

(14) *Household Goods and Supplies*

T—Air fresheners  
 T—Ant traps  
 T—Basin stoppers  
 T—Batteries  
 T—Bedding  
 T—Books  
 T—Boot caddy  
 T—Brooms  
 T—Buckets  
 T—Candles  
 T—Charcoal  
 T—Cloth laundry bags  
 T—Cloth towels, dish, bath and hand  
 T—Clothesline  
 T—Clothespins  
 T—Coat hangers  
 T—Cookware, pots and pans  
 T—Cutlery  
 T—Decorations, household and yard  
 T—Dinnerware  
 T—Dishpans  
 T—Door mat  
 T—Drinking glasses  
 T—Easter egg color/paint  
 T—Extension cords  
 T—Filters, disposable air  
 T—Fire extinguishers  
 T—Fly swatters  
 T—Fly tapes

T—Furnishings, appliances, fittings, ornaments, furniture, equipment and accessories. Furnishings including bedding, rugs, lamps, hardware, electrical goods, mirrors, pillows, scarves for furniture, bookends, clocks, glassware, crockery, silverware, flatware and other household wares  
 T—Fuses  
 T—Glue  
 T—Grills, and replacement parts, utensils and scrapers  
 T—Hardware and tools  
 T—Household linens, blankets  
 T—Insecticide sprays  
 T—Ironing board and covers  
 T—Jars for canning and jar lids  
 T—Light bulbs  
 T—Lubricating oils  
 T—Matches  
 T—Metal and plastic cooking utensils and flatware  
 T—Mops  
 T—Moth balls and moth flakes  
 T—Mouse traps  
 T—Needles  
 T—Notebooks  
 T—Oilcloth  
 T—Paints, brushes and painting equipment  
 T—Paint removers  
 T—Plants, vegetable and flower (see Category 8)  
 T—Polishing cloths  
 T—Refrigerator deodorants  
 T—Rubber gloves  
 T—Rug shampoo applicators  
 T—Salt, water softeners  
 T—Sandpaper  
 T—Scrub brushes  
 T—Seeds, vegetable and flower (see Category 8)  
 T—Shoe brushes  
 T—Sponges  
 T—Stationery  
 T—Static control spray, sheets  
 T—Thermometers  
 T—Thermoses  
 T—Thimbles  
 T—Tie racks  
 T—Toothpicks  
 T—Turpentine and paint thinner  
 T—Vacuum cleaners, and disposable bags, parts  
 T—Ventilating fans and equipment  
 T—Water filters, replacement  
 T—Wax applicators  
 T—Wax paraffin

A. *Soaps and Detergents*

T—Bleaches  
 T—Cleaner, septic tank, hand, oven, toilet bowl or tile  
 T—Cleansers  
 T—Detergents  
 T—Drain opener  
 T—Dry cleaning kits  
 T—Pre-soaks  
 T—Rug shampoo  
 T—Soaps, scented and unscented  
 T—Softeners (fabric)  
 T—Spot removers and stain treatments  
 T—Starch  
 T—Whiteners

B. *Cleaning and Polishing Preparations*

T—Car cleaners and waxes  
 T—Glass cleaner  
 T—Polishes, floor, furniture, silver and similar items

T—Removers, rust or wax  
 T—Scouring pads  
 T—Steel wool

#### C. Paper Goods

T—Cups, paper, plastic or Styrofoam  
 NT—Disposable diapers and incontinence products  
 T—Drop cloths, paper and plastic  
 T—Facial tissue  
 T—Filters, coffee  
 T—Napkins  
 T—Place mats  
 T—Plates, paper, plastic, or Styrofoam  
 NT—Sanitary napkins, tampons or similar items used for feminine hygiene  
 T—Shelf paper, liners  
 T—Straws for drinking  
 T—Tablecloths  
 T—Toilet seat covers  
 NT—Toilet tissue  
 T—Towels  
 NT—Wet-wipes

#### D. Wrapping Supplies

T—Aluminum foil  
 T—Food bags  
 T—Plastic wraps  
 T—Tape, masking, scotch, plastic, freezer, duct  
 T—Trash bags, paper and plastic  
 T—Twine  
 T—Wax paper  
 T—Wrapping paper, including gift wrapping, ribbons, etc.

#### (15) Infant Supplies

T—Accessories, nursing bottles, nipples, teething beads, teethingers  
 NT—Bibs  
 T—Car seats, infant  
 T—Crib blankets  
 T—Diaper bags  
 NT—Diaper cream  
 NT—Diaper pins  
 NT—Diapers, cloth and disposable  
 NT—Diaper service  
 NT—Formula  
 T—Furniture including cribs, high chairs and booster seats  
 T—Liners, (nursing bottles)  
 T—Monitors  
 NT—Receiving blankets for infants  
 NT—Rubber pants  
 T—Swim diapers  
 NT—Wipes, baby

#### (16) Jewelry

T—Beads—materials used in jewelry-making  
 T—Earring backs  
 T—Jewelry, including those with religious symbols incorporated  
 T—Jewelry, used for body piercing  
 T—Jewelry repair services  
 T—Ornaments and pins for hats and dresses

#### (17) Luggage, Handbags, Carrying Bags, Wallets, etc.

T—Bags, carrying, athletic, book, etc.  
 T—Handbags, pocketbooks and purses  
 T—Knitting bags  
 T—Leather goods, except clothing  
 T—Luggage, briefcases  
 T—Wallets and billfolds

#### (18) Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices

The tax is not imposed on prescription or nonprescription medicines and drugs or medical supplies, crutches and wheelchairs for the use of people with disabilities, artificial limbs, artificial eyes and artificial hearing devices, when designed to be worn on the person of the purchaser or user, false teeth and materials used by a dentist in dental treatment, eyeglasses, when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser, and artificial braces and supports designed solely for the use of people with disabilities, or any other therapeutic, prosthetic or artificial device designed for the use of a particular individual to correct or alleviate a physical incapacity, including, but not limited to, hospital beds, iron lungs and kidney machines.

T—Acne cleaners and acne pads  
 NT—Acne treatments, lotions, creams  
 T—Adhesive removers  
 NT—Adhesives used for medical treatment  
 T—Air cleaners and electrostatic machines  
 NT—Alcohol, rubbing, swabs and wipes  
 NT—Analgesics  
 NT—Antacids  
 NT—Antiseptics, for external use only  
 NT—Applicators (See “Cotton applicators”)  
 NT—Arch supports  
 NT—Arm slings  
 NT—Artificial eyes  
 NT—Artificial limbs  
 NT—Aspirin  
 T—Autoclave  
 NT—Automobile accessories, when noted by the Department of Transportation upon the motor vehicle operator’s license of the purchaser that such accessories are necessary, and when charges for accessories are stated separately by the vendor on the sales invoice.  
 NT—Automobile wheelchair lifts  
 T—Baby powder  
 NT—Bandages, dressings, gauze and cotton  
 T—Bath tub and bathroom safety devices  
 T—Batteries, unless purchased for use in medical equipment and from a medical supply house  
 NT—Bed boards  
 NT—Bed drain bags  
 NT—Bed pans  
 NT—Bed trapeze bars  
 NT—Benzoin  
 T—Bidet toilet seats  
 T—Blankets  
 T—Blood agar plates  
 NT—Blood glucose monitors used to treat diabetes (therapeutic devices)  
 NT—Blood pack units  
 T—Blood pressure testing apparatus  
 NT—Bone pins  
 NT—Braces and supports worn on the body to correct or alleviate a physical incapacity  
 NT—Braille teaching texts  
 \* NT—Breast pumps  
 NT—Breathing units, intermittent positive pressure  
 NT—Burn ointment and lotion  
 NT—Calamine lotion  
 NT—Canes  
 NT—Cardiac emergency kit  
 NT—Cardiac pacemakers and electrodes  
 NT—Castor oil  
 NT—Catheters and accessories

- T—Chemical agents and related supplies for analysis of patients' specimens  
 NT—Cod liver oil  
 NT—Colostomy appliances  
 NT—Colostomy deodorants  
 NT—Commodes, chair bedside  
 NT—Commode seats, elevated for use by incapacitated persons  
 NT—Contact lenses and wetting solutions  
 T—Contact lenses cleaning solutions  
 NT—Corn pads and plasters for the removal of corns  
 NT—Cotton applicators, cotton rolls, cotton balls and cotton swabs  
 NT—Cough and cold items, cough drops, cough syrups  
 NT—Crutches  
 NT—Crutch pads  
 NT—Defibrillators  
 T—Dehumidifiers  
 NT—Dental floss  
 NT—Dental materials which are transferred to the patient, including dentures, fillings, crowns, inlays, bridges and lingual or palatal bars  
 NT—Dental supplies used in dental treatment, including x-ray film, cotton, impression and materials  
 T—Dentist chair  
 NT—Dentist drills, disposable  
 T—Dentist replacement burs, drills, reusable  
 NT—Denture products, including denture cleaners and adhesives  
 T—Deodorants, personal and room  
 T—Diagnostic equipment  
 T—Diagnostic glassware and diagnostic testing materials  
 NT—Dialysis machines  
 NT—Diathermy machines  
 NT—Dietary supplements and substitutes, in any form  
 NT—Diet pills  
 T—Disinfectants  
 NT—Drapes, paper  
 T—Ear plugs  
 T—EKG mounts and EKG paper  
 NT—Elastic bandages and braces  
 T—Electrocardiocorder  
 NT—Emesis basins or pans  
 NT—Epsom salts  
 T—Esophageal dilator  
 T—Eucalyptus oil  
 NT—Examining table paper  
 T—Exercise equipment, including exercise bikes and treadmill exercisers  
 NT—Eye ointment  
 NT—Eye pads  
 NT—Eye washes  
 NT—Eyeglasses, prescription  
 NT—False teeth  
 NT—First aid kits  
 NT—Fluidic breathing assistor  
 NT—Food substitutes  
 NT—Foot pads, insoles, all types  
 NT—Foot products for treatment of infections  
 NT—Gauze  
 NT—Gloves, surgical, disposable  
 NT—Glucose tablets  
 NT—Glycerin  
 NT—Gowns, medical  
 NT—Hearing aids and batteries  
 T—Heaters, portable, room  
 NT—Heating pads  
 NT—Hospital beds, having side rails, electric and non-electric with attachments  
 NT—Hot water bottles  
 T—Humidifiers  
 NT—Hygienic needs, douche powder, vaginal preparations  
 NT—Hydrocortisone cream  
 NT—Hydrogen peroxide  
 NT—Ice bags  
 NT—Ileostomy bags  
 NT—Incontinence products, including incontinence pants  
 NT—Infusion pumps  
 NT—Inhalation therapy equipment and equipment used to provide emergency breathing assistance  
 NT—Insulin  
 NT—Insulin pumps  
 T—Intravenous stand  
 NT—IUD devices  
 T—Laboratory testing and analysis equipment and supplies  
 NT—Lactose intolerance medication  
 NT—Lamps, ultraviolet and infrared  
 NT—Lancets  
 NT—Laxatives and cathartics  
 NT—Lice shampoo  
 NT—Lifters, patient  
 NT—Lubricating jelly  
 NT—Lymphedema pumps  
 T—MRI equipment  
 T—Mattresses, air  
 NT—Mattresses, alternating positive pressure  
 NT—Mattresses and covers for hospital beds  
 T—Medical alert cards  
 T—Medical alert systems  
 NT—Medicated powder  
 NT—Medicine cups, disposable  
 T—Microscopes  
 NT—Milk of magnesia  
 T—Mouthwashes  
 NT—Muscle stimulator, electronic for physical therapy  
 NT—Nasal cannula  
 T—Nasal speculum  
 T—Needle holder  
 NT—Needles and syringes, disposable  
 T—Needles and syringes, reusable  
 NT—Orthodontic brackets  
 T—Orthodontic trays  
 NT—Orthopedic splints  
 T—Overbed tables  
 NT—Oxygen and oxygen equipment, when used for medical treatment  
 NT—Pads, moist heat pad, alternating positive pressure pad, flotation pad, lamb's wool pad  
 NT—Paraffin bath units, standard or portable  
 T—Percussors  
 NT—Pet medicines  
 NT—Petroleum jelly  
 NT—Physical therapy equipment, when designed exclusively for use in correcting or alleviating a physical incapacity  
 T—Plaque remover  
 T—Pore cleaners, medicated, pore strips  
 NT—Postural drainage boards  
 NT—Postural support chairs  
 NT—Prefilled syringes for injection  
 NT—Pre-moistened wipes  
 NT—Prophylactics

- NT—Prostheses (mammary, malar, chin, urinary, incontinence, etc.)  
 T—Pumice powder  
 NT—Pump, diaphragm, pressure vacuum  
 T—Razor blades, unless disposable and used for medical procedure preparation  
 NT—Rectal preparations  
 T—Safety grab bars  
 NT—Sanitary napkins, tampons and similar items  
 T—Sanitizer, air  
 T—Sauna baths  
 T—Scissors  
 T—Shaving products  
 T—Sheets, cloth  
 NT—Sheets, disposable  
 NT—Shoe insoles, orthopedically designed  
 NT—Sitz bath  
 NT—Smoking deterrents, gum and patch  
 T—Soaps  
 NT—Specimen containers, disposable  
 T—Sphygmomanometer  
 T—Sphygmostat  
 NT—Stair gliders for persons having a physical disability, installed in the purchaser's home and pursuant to a physician's prescription  
 T—Stethoscope  
 NT—Styptic pencils  
 T—Suction machines and pumps  
 NT—Sunburn treatment lotions or creams  
 T—Sunglasses (unless prescription)  
 T—Suntan lotion, sunblock  
 NT—Suppositories  
 T—Surgical instruments  
 NT—Surgical instruments and supplies, single use disposable  
 NT—Surgical masks, disposable  
 NT—Sutures  
 T—Tables, bedside  
 T—Tables, examining  
 T—Talcum powder  
 T—Teeth whitening strips  
 T—Telecaption equipment  
 NT—Test strips used in treatment of diabetes  
 T—Testing kits, pregnancy, UTI  
 NT—Thermal pads, disposable  
 T—Thermometer, medical  
 NT—Thermometer covers, disposable  
 NT—Tongue depressor, disposable  
 T—Tooth whitening kits  
 NT—Toothache drops  
 NT—Toothbrushes  
 NT—Toothpaste  
 NT—Tourniquets  
 NT—Trachea tubes  
 NT—Traction units, including bed stand, anklet, extension, pelvic or cervical units, head holder, fracture unit with trapeze bar set, weights, weight bags, pelvic lacing belt, and over door traction equipment  
 NT—Tubing, intravenous  
 NT—Urine drain bag  
 T—Vacutainers  
 NT—Vaginal diaphragms  
 T—Vapona strips  
 T—Vaporizers  
 NT—Vitamins  
 NT—Walking bars and walkers  
 NT—Wheelchairs, manual and motorized, scooters and batteries  
 T—Whirlpool baths and whirlpool pumps  
 T—Wigs  
 T—X-ray equipment and machines  
 T—X-ray film and chemicals not used by dentists
- (19) *Miscellaneous*
- NT—Acupuncture and massage services  
 T—Antiques  
 NT—Body tattooing and piercing services  
 NT—Bullion, investment metal  
 T—Car wash, automated or self-serve  
 NT—Caskets, burial vaults, markers, interred cremation urns and tombstones for human graves, including foundations  
 T—Christmas trees  
 T—Coin banks and coin holders  
 NT—Coins, investment (numismatic coins and legal tender)  
 T—Compressed air, dispensed  
 T—Corkage fee  
 NT—Coupon books sold to individual consumers  
 T—Cremation urns, not interred  
 T—Dry ice, except when sold as an internal packaging material to retailer, manufacturer or processor  
 NT—Safety equipment and devices designed and worn by production personnel employed in manufacturing, processing, mining, public utility, farming and dairying. Examples: asbestos suits, gloves, aprons, boots, masks, helmets, goggles and similar items  
 T—Equipment and devices worn by nonproduction personnel  
 T—Fencing materials  
 NT—Flags of the United States and Commonwealth. Bunting and other flags are taxable.  
 T—Flag kits, that include poles or brackets  
 T—Fuel for motor vehicles, except when subject to Liquid Fuel or Fuel Use Tax  
 NT—Gift cards  
 NT—Golf green fees  
 NT—Health club membership fees  
 T—Hot tubs and spas, regardless of physician recommendation  
 T—Lunch kits, thermoses and replacement parts  
 T—Motor vehicle repair services (including labor), accessories, parts, supplies, lubricants, equipment, vehicle and emission inspection  
 T—Paper money, which is not legal tender in the United States, is taxable on full purchase price  
 T—Paper money, which is legal tender in the United States, is taxable on amount in excess of face value  
 NT—Parking fees  
 T—Party favors  
 NT—Pony rides and trail rides  
 T—Prepaid telephone cards  
 NT—Retail club memberships  
 T—Scout supplies and training manuals, except when sold to a scout troop  
 T—Sheds, unless purchaser has a building permit  
 T—Souvenirs  
 T—Stamps, cancelled United States stamps and all foreign stamps are taxable on the full purchase price  
 T—Stamps, uncanceled United States stamps are taxable on amount in excess of face value  
 NT—Tanning booth fees  
 NT—Tickets for admission to the theater, concerts, sporting events, amusement parks, and amusement or activity complexes  
 T—Trading stamp redemption for taxable property



(20) *Optical Goods*

NT—Contact lenses, prescription, and wetting solutions  
 T—Contact lenses cleaning solutions  
 NT—Eyeglasses, prescription  
 T—Magnifying glasses  
 T—Opera glasses and field glasses  
 T—Sunglasses (prescription sunglasses are exempt)

(21) *Pets*

NT—Boarding, sitting or walking  
 T—Clippers and clipper lubricants  
 T—Clothing  
 T—Equipment (collars, leashes, etc.)  
 T—Farrier services for pet horses  
 NT—Flea collars, flea powder, flea and tick soap and tick sprays  
 T—Food, including food supplements and prescription food  
 T—Grooming, unless performed by a veterinarian for the purpose of or incidental to medical treatment  
 NT—Medicines and medical supplies  
 T—Pet caskets and urns  
 NT—Pet cremation and burial services  
 T—Sale or rental of pets, or adoption from shelters, which includes fees for shots and spaying or neutering  
 T—Shampoo  
 T—Veterinarian equipment  
 NT—Veterinarian services  
 T—Vitamins

(22) *Religious Articles*

Bibles, religious publications and religious articles are subject to tax unless purchased by organizations qualifying as institutions of purely public charities which hold an exemption number prefixed by the number 75, and government entities.

T—Bibles  
 T—Candles used in religious worship  
 T—Clergy vestments and choir and altar server clothing  
 T—Holy water bottles  
 T—Nativity scenes  
 T—Religious publications sold by religious groups  
 T—Religious statues, medals and symbols used in religious worship  
 T—Rosaries  
 T—Wines used in religious services

(23) *Restaurant Equipment and Supplies*

Equipment, implements and similar property for use in the preparation and service of food is taxable.

NT—Carbon dioxide for soda fountain  
 T—Carbonator for soda fountain operation  
 NT—Chef hats  
 T—Disposable trays  
 T—Equipment used to prepare and serve food and beverages  
 T—Ice making equipment  
 T—Latex gloves  
 T—Napkins, wooden or plastic spoons, forks, straws and similar articles for use in restaurants, vending machines and other eating places  
 T—Placemats  
 T—Toothpicks  
 T—Vending machines and equipment  
 NT—Work uniforms  
 NT—Wrapping supplies, paper or plastic plates, cups and similar articles for the delivery of food, used by restaurants or in vending machines

(24) *Shoes and Shoe Accessories*

Generally, shoes designed for everyday wear are exempt. However, shoes designed for formal wear or sporting activities are taxable.

T—Bathing (swimming) shoes  
 NT—Overshoes  
 NT—Safety shoes  
 T—Shoe brushes, applicators, and shoe trees  
 T—Shoe clips  
 NT—Shoe dye  
 NT—Shoe laces  
 NT—Shoe polish  
 NT—Shoe repairs  
 NT—Shoe soles and heels for shoe repair  
 T—Shoes for baseball, bowling, football, golf, soccer, hockey, dance, etc.  
 T—Shoes for formal wear, such as metallic cloth, brocade, satin or silver leather, primarily for formal wear  
 NT—Shower clogs  
 NT—Slippers  
 NT—Sneakers, jogging, tennis and aerobic shoes  
 NT—Toe sneakers

(25) *Sporting Equipment, Clothing, Supplies and Recreational Equipment*

Tax is imposed on sporting and recreational equipment, clothing and supplies which are designed to be worn and are normally worn only when engaged in sports.

T—Accessories such as ammunition belts, hip waders and fly vests  
 T—Ballet shoes  
 NT—Baseball caps and tee shirts  
 T—Bathing caps  
 T—Bathing suits  
 T—Beach coats  
 T—Bicycles, parts, accessories and supplies  
 T—Boats, pleasure boats and equipment and parts  
 NT—Bowling shirts  
 T—Bowling shoes, purchase and rental  
 T—Equipment and supplies for baseball, football, hockey, basketball and other sports  
 T—Exercise equipment  
 T—Guns and ammunition  
 NT—Gym suits, outfits  
 T—Helmets  
 T—Hunting accessories  
 NT—Hunting clothing, including camouflage and blaze orange  
 NT—Jogging outfits, running shoes  
 T—Mats, floor  
 T—Protective equipment, knee pads, elbow pads, forearm pads, etc.  
 T—Sleeping bags  
 NT—Sneakers, jogging, tennis and aerobic shoes, etc.  
 NT—Snowmobile suits  
 T—Uniforms, baseball, football, soccer, basketball, hockey, etc.  
 NT—Warm-up suits, cloth sweat suits  
 T—Weights  
 T—Skates, ice, roller, in-line and sharpening and rental

(26) *Tobacco Products*

T—Chewing tobacco, all types  
 T—Cigarettes, little cigars  
 T—Cigars, all types

T—Electronic cigarettes and vaporizers, and accessories  
 T—Smoking accessories, including lighters T—Tobacco, all types

(27) *Utilities and Fuel*

T—Cellphone services  
 NT—Coal  
 NT—Coin-operated telephone charges  
 T—Corn and corn pellets  
 T—Fire logs, processed  
 NT—Firewood, kindling and wood pellets for residential use

T—Fuel oil, gas, steam or electricity purchased for commercial use  
 NT—Fuel oil, gas, steam or electricity purchased for residential use  
 T—Interstate and intrastate telephone services for residential or commercial use  
 T—Basic telephone service and subscriber line charges for commercial use  
 NT—Basic telephone service and subscriber line charges for residential use  
 T—Utilities for office or business within home

(28) *Tires and Motor Vehicle Leases and Rentals Subject to Public Transportation Assistance Fund Taxes and Fees (PTA) (61 Pa. Code § 47.19)*

The following items are subject to a Public Transportation Assistance Fund Taxes or Fees as indicated. The tax or fee is in addition to any Sales or Use Tax which may be due. However, the Sales, Use, PTA Taxes or PTA Fees shall not be included within the tax base when imposing such taxes or fees.

<i>Item</i>	<i>PTA Tax/Fee</i>	<i>Exemption</i>
Tires, new tires for highway use (used tires and tires for off highway use are not subject to the fee)	\$1 fee upon the sale of each new tire	Exempt only if purchased by a government entity
Rentals of Motor Vehicles (the term rental shall mean the transfer of the possession of a motor vehicle for a period of less than 30 days)	\$2 fee upon each rental day or part thereof	Exempt, if lessee qualifies for sales tax Exemption
Leases of Motor Vehicles (the term lease shall mean the transfer of possession of a motor vehicle for a period of 30 or more days)	3% tax upon the total lease payment including down payment and accelerated lease payments	Exempt, if lessee qualifies for sales tax Exemption

(29) *Vehicle Rental Tax (VRT) (61 Pa. Code § 47.20)*

Rental companies that have available for rental, 5 or more motor vehicles designed to carry 15 or less passengers, or a truck, trailer or semi-trailer used in the transportation of property, other than commercial freight that is rented without a driver, are responsible for collecting an additional 2% tax. This tax is imposed on the purchase price, as calculated for Sales Tax purposes, of each rental contract for a period of 29 consecutive days or less. The VRT is separate from, and in addition to, any applicable state or local Sales Tax or the \$2 daily PTA fee.

Effective October 30, 2017, a prorated partial day fee for carsharing services was provided as a clarification to the current vehicle rental fee.

The fee schedule is as follows:

<i>Rental Interval</i>	<i>Fee</i>
Less than 2 hours	25¢
2 to 3 hours	50¢
More than 3 hours	\$1.25
4 or more hours	\$2

Rental companies may claim a refund up to the amount of tax remitted for licensing and titling fees paid to the Commonwealth during a previous calendar year.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 21-2087. Filed for public inspection December 10, 2021, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**Rates of Tax on Aviation Gasoline and Jet Fuel for 2022; Oil Company Franchise Tax Rate for 2022; Alternative Fuels Tax Rates for 2022**

**I. Aviation Gasoline and Jet Fuels**

*A. Aviation Gasoline Rate for 2022*

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2022 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines will increase to the rate of 6.0¢ per gallon or fractional part thereof.

*B. Jet Fuel Rate for 2022*

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2022 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines will increase to the rate of 2.0¢ per gallon or fractional part thereof.

*C. Calculating the 2022 Aviation Gasoline and Jet Fuel Rates*

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter.

The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1

thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1 each year subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On October 14, 2021, the most recently available 12-month period was September 2020 to September 2021, as reported in the Bureau of Labor Statistics, United States Department of Labor, Producer Price Indexes, September 2021, USDL-21-1833, released October 14, 2021, for which the percentage change was an increase of 81.9%. Accordingly, the aviation gasoline tax rate will increase to the rate of 6.0¢ per gallon; the jet fuel tax rate also will increase to the rate of 2.0¢ per gallon.

## II. Oil Company Franchise Tax

### A. Transportation Funding Act of 2013

Governor Corbett signed into law the act of November 25, 2013 (P.L. 974, No. 89) which amended 75 Pa.C.S. (relating to Vehicle Code) to both eliminate the inflationary cap on the Oil Company Franchise Tax and the fixed 12¢ per gallon Liquid Fuels and Fuels tax. Specifically, 75 Pa.C.S. § 9002 (relating to definitions) provides for the future removal of the cap and specific wholesale prices for use in the interim years.

### B. Calculating the 2022 Oil Company Franchise Tax Rate

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax), and collected under 75 Pa.C.S. Chapter 90 (relating to Liquid Fuels and Fuels Tax Act), 75 Pa.C.S. § 9004(b) (relating to imposition of tax, exemptions and deductions), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a “cents per gallon equivalent basis,” which is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning on every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

“Average wholesale price” as used previously is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes shall be as follows:

(1) After December 31, 2013, and before January 1, 2015, the average wholesale price shall be \$1.87 per gallon.

(2) After December 31, 2014, and before January 1, 2017, the average wholesale price shall be \$2.49 per gallon.

(3) After December 31, 2016, the average wholesale price shall be as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than \$2.99 per gallon.

For the 12-month period ending September 30, 2021, the Department has determined that the average wholesale price for all grades of gasoline and diesel fuel is \$1.92 per gallon, which was less than the statutory minimum; therefore, the average wholesale price for 2022 is set at the floor of \$2.99 per gallon.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 is separated into two portions: mills per gallon not subject to discount (NSTD) and mills per gallon subject to discount (STD). The following table details the underlying calculations:

### Composition of Oil Company Franchise Tax (OCFT)

#### OCFT Per Gallon NSTD

Imposed By:	Liquid Fuels	Fuels
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
NSTD Mills per Gallon:	153.5	208.5
Decimal Equivalent:	0.1535	0.2085
Average Wholesale Price:	× \$2.99	× \$2.99
Product:	45.90¢	62.34¢
OCFT per Gallon, NSTD, rounded to next highest tenth per 75 Pa.C.S. § 9002:	45.9¢	62.4¢

#### OCFT Per Gallon STD

Imposed By:	Liquid Fuels	Fuels
75 Pa.C.S. § 9502(a)(5)	39.0	39.0
STD Mills per Gallon:	39.0	39.0
Decimal Equivalent:	0.0390	0.0390
Average Wholesale Price:	× \$2.99	× \$2.99
Product:	11.66¢	11.66¢
OCFT per Gallon, STD, rounded to next highest tenth per 75 Pa.C.S. § 9002:	11.7¢	11.7¢

#### Total OCFT per Gallon, rounded to next highest tenth

	Liquid Fuels	Fuels
Total OCFT = NSTD + STD:	57.6¢	74.1¢

### C. Imposition of Oil Company Franchise Tax on Liquid Fuels and Fuels

The act of April 17, 1997 (P.L. 6, No. 3) provides that the oil company franchise tax as previously computed is imposed when liquid fuels or fuels are used or sold and delivered in this Commonwealth. Accordingly, the tax imposed upon the use or sale and delivery of 1 gallon of liquid fuels (primarily gasoline) shall be 57.6¢, and the

tax imposed upon the use or sale and delivery of 1 gallon of fuels (primarily undyed diesel fuel) shall be 74.1¢.

### III. Alternative Fuels Tax Rates for 2022

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 “gallon-equivalent-basis” is defined as the “amount of any alternative fuel as determined by the Department to contain 114,500 BTU’s.” The amount determined on a “gallon-equivalent-basis” for each alternative fuel is subject to the oil company franchise tax currently imposed on 1 gallon of gasoline. The rate of tax on 1 gallon of gasoline during the period of this notice is 57.6¢ which is equal to the Oil Company Franchise Tax.

The 2022 tax rates for Compressed Natural Gas (CNG)

and Hydrogen are calculated by utilizing the unit of measurement referred to as the gasoline gallon equivalent (GGE). A GGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of gasoline.

The 2022 tax rate for Liquefied Natural Gas (LNG) is calculated by utilizing the unit of measurement referred to as the diesel gallon equivalent (DGE). A DGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of diesel.

GGE and DGE are the most common forms of measurement for these products at the retail level. Measuring alternative fuels by GGE and DGE allows the consumer to make energy and cost comparisons with gasoline and diesel.

The Secretary announces that the 2022 tax rates for alternative fuels are as follows:

<i>Alternative Fuel (Liquids)</i>	<i>Rate of Conversion (BTU/Gal of Alternative Fuel)</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,330	\$0.384
Methanol	57,250	\$0.289
Propane/LPG	84,250	\$0.425
E-85	82,056	\$0.413
M-85	65,838	\$0.332
Electricity	3,414 BTU/kWh	\$0.0172/kWh
<i>Alternative Fuels under GGE Formula (Gaseous)</i>	<i>GGE Equivalent to One Gallon of Gasoline</i>	<i>Tax Rate per GGE</i>
CNG	1	\$0.576
Hydrogen	1	\$0.576
<i>Alternative Fuels under DGE Formula (1 DGE = 1.7 gallons)</i>	<i>DGE Equivalent to One Gallon of Diesel</i>	<i>Tax Rate per DGE</i>
LNG	1	\$0.648

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-2088. Filed for public inspection December 10, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Citizens for Pennsylvania’s Future v. Department of Environmental Protection and Department of Transportation, Permittee; EHB Doc. No. 2021-114-B

Citizens for Pennsylvania’s Future has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PAI139601, for stormwater discharges from Department of Transportation’s municipal separate storm sewer system (MS4).

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board’s web site at <http://ehb>.

courtapps.com. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board’s rules of practice and procedure are available online and upon request from the Board.

THOMAS W. RENWAND,  
Chairperson

[Pa.B. Doc. No. 21-2089. Filed for public inspection December 10, 2021, 9:00 a.m.]



## ENVIRONMENTAL HEARING BOARD

### Citizens for Pennsylvania's Future v. Department of Environmental Protection and Pennsylvania Turnpike Commission, Permittee; EHB Doc. No. 2021-115-B

Citizens for Pennsylvania's Future has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PAI139602, for stormwater discharges from Pennsylvania Turnpike Commission's municipal separate storm sewer system (MS4).

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board's web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available online and upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 21-2090. Filed for public inspection December 10, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Frank R. Zokaites, Zokaites Contracting, Inc. and Zokaites Properties, LP v. Department of Environmental Protection; EHB Doc. No. 2021-113-R

Frank R. Zokaites, Zokaites Contracting, Inc. and Zokaites Properties, LP have appealed the denial by the Department of Environmental Protection of coverage under NPDES General Permit PAG-02, to renew Permits No. PAG-02 0004-06-014R and PAG-02 0004-06-016R, for project sites located in Beaver County.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board's web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available online and upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 21-2091. Filed for public inspection December 10, 2021, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### 2022 Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund Plan; Draft

#### *Background*

The Pennsylvania Housing Affordability and Rehabilitation Enhancement (PHARE) Fund was established by the act of November 23, 2010 (P.L. 1035, No. 105) (Act 105) to provide the mechanism by which certain allocated State or Federal funds, as well as funds from other outside sources, would be used to assist with the creation, rehabilitation and support of affordable housing throughout this Commonwealth.

Act 105 outlines specific requirements that include preferences, considerations, match funding options and obligations to utilize a percentage of the funds to assist households below 50% of the median area income. Act 105 provides a broad canvas regarding the types of programs and the specific uses of any funding to allow flexibility in working with other State and Federal acts and programs.

For Program Year 2022-2023, the PHARE Fund includes funds available through Marcellus Shale (Act 13 of 2012), the Realty Transfer Tax (RTT) Funds (Act 58 of 2015) and the National Housing Trust Fund (HTF), authorized by the Housing and Economic Recovery Act of 2008 (Pub.L. No. 110-289).

In the event that additional funds become available at any time, the Housing Finance Agency (Agency) will administer them in accordance with this plan, and without the need for additional notices or amendments.

This plan includes the following general sections: principles of PHARE, elements of the Plan, application requirements and timeline. Thereafter, the Plan includes specific information and program requirements relating to each of the Marcellus Shale (Act 13 of 2012) funds, the RTT funds and the HTF funds.

#### *Principles of PHARE*

In accordance with Act 105, the moneys will be used to address significant and persistent housing needs in communities with the following additional criteria:

1) *Maximize resource leveraging*—To the greatest extent possible, the resources allocated will be used as leverage for other public and private resources. Additionally, local nonfinancial assets should be identified and leveraged where possible—including transportation, schools, recreation, employment, health, community and economic development support and other amenities.

• *Maintenance of Effort/Resource Coordination*—The Agency is seeking to ensure that PHARE applicants, where practical and relevant, are utilizing all other available sources of funding (CDBG, HOME CSBG, AHP, ESG, CoC, HUD, NAP, Keystone Communities, and the like). The Agency will review applications with an emphasis on ensuring maximize leveraging of available resources with PHARE funds not intended to substitute for, or supplant, other currently available sources of program/project funding. This provision is primarily intended to address local municipal or county-based real estate development projects where other Federal/non-Federal sources of funding may be applicable. Multi-county, regional or Statewide proposals addressing critical housing needs are still encouraged to apply.

2) *Affordability*—The Agency encourages applicants to address the issue of long-term affordability based on the

local housing market conditions. To the greatest extent possible, programs and projects should be designed in ways to both maintain the investment made in the housing stock and to continue affordability after initial assistance. This could include revolving loan programs, shared equity homeownership and other strategies for addressing this objective.

3) *Address greatest need*—PHARE funds will be allocated in communities where the greatest housing needs are identified based on housing needs studies and assessments, interviews, real estate price factors, housing stock analysis and market studies. The limited resources available should be used to meet the most significant and pressing housing needs but may also be used to address longer term housing needs. Preference: Projects/programs that: 1.) Assist with the rehabilitation of blighted, abandoned or otherwise at-risk housing and the reuse of vacant land where housing was once located; 2.) Provide funding for owner-occupied rehabilitation, first time homebuyers and rental assistance; or 3.) Address ongoing needs for homeless families and individuals including veterans.

4) *Foster partnerships*—The funds should be used to maximize sustainable partnerships that will be committed to addressing the housing needs in these communities over a significant period of time. While the funds are to be used to directly support housing to meet community needs, the projects should also help establish capacity to address those needs over the long term. Preference: Projects/programs that incorporate social service entities which offer additional services to the residents within the community where the project/program is taking place.

5) *Effective and efficient implementation*—Ensure that the resources are used effectively and efficiently to meet the housing needs. Given the expectation that demand for many types of housing will greatly exceed the funds available, it will be critical to maximize the effectiveness and efficiency for housing investments by the PHARE Fund. Preference: Projects/programs that assist the residents with the greatest need in that region and can document highly effective strategies to address unmet need.

6) *Equitable and transparent*—Create a plan and equitable allocation process that provides transparency to all stakeholders. Funding decisions and reporting will be done in accordance with legislative requirements.

7) *Emergency Response to Critical Needs*—Providing immediate and necessary funding to address an emergent crisis, emergency housing needs or other unanticipated issues that may arise over the course of the year. The PHARE funds could be rapidly deployed to address these significant, unmet and emergency housing needs in this Commonwealth as determined by the Agency.

#### *Elements of the Plan*

*Analysis of Need*—One of the most critical components of the Plan is to continually assess housing needs in these communities. From both a quantitative and qualitative perspective the requirement to have accurate, reliable data from which funding decisions can be made is imperative.

It is important to recognize that this data will need to be municipality-specific to capture the unique and likely different housing needs in the various communities. In addition, the housing/real estate markets are diverse across communities and the analysis of need will require

an understanding (qualitative and quantitative) of individual markets to make appropriate resource allocation decisions.

Building upon analysis already undertaken by the Agency and the Commonwealth, additional analysis may be performed to assess specific housing issues to identify housing needs (persons with special needs, elderly, larger households, physical disabilities, homeless, and the like) to appropriately target PHARE Fund resources to those in greatest need of housing. In addition to multiple types of housing analysis, the Agency will consider different income levels, nature of housing stock and the housing needs of those across a broad spectrum (homeless, near homeless, very low income, low income, temporary and seasonal workers and permanent work force, and the like).

*Understanding of real estate market dynamics*—The plan for the utilization of these resources has been developed to address and continuously reevaluate the specific housing real estate markets in each community. The housing and real estate development “capacity” will also have significant impact on the ability of these funds to be used effectively and efficiently to meet the needs of the communities.

There will be need for ongoing analysis of capacity (private, nonprofit and public) as part of the plan. Some communities may not have had a significant housing market in decades while in others there may be a robust market addressing a significant portion of housing needs. The plan will help determine where additional housing development may be necessary or where other strategies may be implemented for meeting the housing needs in those communities.

*Allocation and use*—The funding vehicle’s allocation process, created by the plan, must also be supportive of and responsive to the needs of the housing and real estate development market and should foster coordinated local housing plans and resources. Funds may be used to support predevelopment, site acquisition and infrastructure development, planning and preconstruction activity in addition to direct support of development and operation of projects and housing programs including employee assisted housing programs. Funds may be provided in various forms designed to best support the activity including grants; market rate, amortizing, balloon, bridge or soft loans; capital contributions; capital financing subsidy support; operating and supportive service reserve funding; rental; or homeowner assistance. Funds may be specifically allocated to address timing issues presented in the development of affordable housing projects; for example, when other financing is available, construction season, local zoning or other approvals. In addition, funding may be directed for administration by the Agency for certain projects approved for low income housing tax credits or other Agency resources. Preliminary allocations may be made for projects/programs awaiting approval of additional resources.

Funds will have expenditure deadlines and approved programs/projects must be started within 2 years of funding award. Additional requirements for application submission will be outlined in the annual Request for Proposal (RFP).

*High quality design and construction*—A vital element of the Plan will be the development of housing that is both of good quality design and construction and will be sustainable over a long period of time.

The opportunity to meet the growing housing needs in these communities will necessitate that this housing be

available as an asset for the community for many generations. To meet this objective the Agency requires that projects, funded with these resources, meet the highest design and construction quality standards available and that all projects ensure sustainability to the long term (both financial and physical). Funds may be specifically allocated to support green and renewable energy sources and as leverage to consumer programs available through utility companies or other business partners.

#### *PHARE Application Process*

The elements of the application and allocation process include:

- Adoption of “plan” for managing the anticipated PHARE funds by the Agency each year.
- The Agency will establish an annual application process that will allow the Agency to address local housing needs.
  - The Agency may amend the Plan, application and the allocation process at any time, upon written publication of such amendments.
- Announcement of application and possible training/information session concerning the elements of the application.
- Applications accepted and reviewed by the Agency staff based on the application and Plan requirements.
- As part of the RFP process, the Agency will require that all applicants target a minimum of 30% of their awarded PHARE funds to support households with incomes below 50% of median area income.
  - Project recommendations reviewed by the Agency.
  - Announcement of preliminary funding approval.

The Agency may allocate existing funds, or funds that may become available, at any time outside of the application cycle but consistent with the principles, goals and elements of this plan.

Applicants are expected to satisfy the affordability requirements of the PHARE program and commit to a long-term sustainable program to maintain affordability (which may be documented with restrictive covenants or other program documents). Applicants must abide by prevailing wage where applicable.

#### *Timeline*

The Agency will align the application and funding timelines of its programs that support multifamily affordable rental housing—Tax Credits, PennHOMES and PHARE (Marcellus Shale, RTT and HTF)—to strategically and efficiently allocate these resources.

The following is the proposed timeline for 2022 program administration:

• PHARE Plan—Draft	December 2021
• PHARE Plan—Final	February 2022
• PHARE RFP—Issued	September 2022
• PHARE Applications Due	November 2022
• PHARE Funding Awards Announced	June/July 2023

#### **PHARE/Marcellus Shale Impact Fee (Act 13 of 2012)**

##### *Purpose and Priorities for Funding*

The Marcellus Shale Impact Fee (Act 13 of 2012) provides the funding mechanism to address the housing needs in impacted counties/communities of the Marcellus

Shale region. Fifty percent of the awarded funds must be spent in fifth through eighth class counties.

The Marcellus Shale Impact Fee legislation (Impact Fee Act) specifically allocates certain amounts from the impact fee into the PHARE Fund to address the following needs, including:

1. Support for projects that increase the availability of affordable housing for low-income and moderate-income persons and families, persons with disabilities and elderly persons in counties where unconventional gas wells have been drilled (regardless of production levels).
2. Provide rental assistance, in counties where unconventional gas wells have been drilled, for persons or families whose household income does not exceed the area median income.
3. Specifies that no less than 50% of the funds are to be used in fifth, sixth, seventh and eighth class counties.

*Direct Allocation*—PHARE Fund will receive a direct yearly allocation from the portion of funds set aside for local distribution. The direct allocation is as follows: \$5.0 million each fiscal year beginning in 2013 and thereafter.

*Windfall/Spillover Funds*—Additional funds may become available because the Impact Fee Act limits amounts allocated to qualifying municipalities (as defined in the Impact Fee Act) and provides that any money remaining, after all allocations have been made to qualified municipalities, would also be deposited into the PHARE Fund.

Agency proposals that exhibit readiness for implementation and which include significant leveraging of funds from public/private funding sources will be prioritized. It is likely that the funds in this program will not be sufficient to meet all the housing needs and mitigate every housing impact created by the shale gas development; therefore, investment decisions will target the limited funds to projects that meet the principles outlined above and most comprehensively address the elements of the plan.

Where possible, these funds will be targeted and stay focused on mitigating the very specific housing impacts created by the shale development in the impacted and designated communities. This element will likely result in the determination that while there may be worthy housing projects that could be funded with these resources, the focus of development will be on most comprehensively addressing the direct and tangible housing impacts. Priority may be given to target resources in tandem with approved county housing trust fund plans or plans for the utilization of local share impact fee funds, or both.

#### *Eligible Applicants*

Applicants eligible to receive PHARE/Marcellus Shale funds include counties that have adopted impact fees as well as municipalities who have further contributed to PHARE by means of windfall/spill over funds from the impact fee. While only eligible applicants may apply, nonprofit and for profit organizations may be part of the application process.

Counties and municipalities may also delegate the role of “applicant” to a nonprofit or for profit organization for purposes of the application. In the case where a county or municipality has designated another organization, agency or department to apply on their behalf, documentation identifying such must be included in the application.

There are many diverse interests that are concerned about the anticipated housing impact and therefore how



these resources will be allocated to address the need. To the greatest extent possible opportunities should be created for relevant and legitimate stakeholders to comment and advise the plan. This element will need to be managed for practicality and efficiency in order to maximize input. Preference: Applications that 1.) Provide a process where members of the community and other stakeholders may provide input on the application prior to submission; or 2.) Include Optional Affordable Housing funds (Act 137 of 1989) or local share portions of the impact fee, or both.

The Agency also requests that applicants include information on how the county is using local shares of public resources, including local Act 13 of 2012 funds and Act 137 of 1989 (county-based housing trust fund) moneys, to address housing needs in the community.

Preliminary approval and funding of applications is contingent upon receipt of funds under Act 13 of 2012.

#### **PHARE/RTT Fund (Act 58 of 2015)**

In November 2015, Governor Wolf signed Act 58 of 2015, which, in part, directs certain RTT receipts to the PHARE Fund. This revenue source is available in all 67 counties of this Commonwealth.

Under Act 58 of 2015 RTT, the Agency's PHARE program will receive an allocation of funds based on a formula using 2014 year as a base. (The annual amount available for the PHARE program will be equal to the lesser of 40% of the difference between the total dollar amount of the RTT imposed under section 1102-C of the Tax Reform Code of 1971 collected for the prior fiscal year and the total amount of RTT estimated for the fiscal year beginning July 1, 2014.) The PHARE/RTT fund will be capped at \$40 (increased cap enacted as part of Fiscal Year 2020-2021 final approved State Budget) million annually. Funding allocations and reporting will be completed in accordance with PHARE requirements.

#### *Purpose and Priorities for Funding*

The PHARE/RTT Program will provide funds to projects/programs providing sustainable and comprehensive solutions to address housing and community development needs across this Commonwealth.

These funds will be directed to address clearly articulated needs in communities based on the following priorities:

1. Preservation of the current stock of rental housing or the development/creation of new affordable rental housing to address unmet local need. This includes projects/programs for the elderly in danger of losing their homes and rental assistance to help families remain in their residence.

2. Funding for projects/programs to address ongoing housing needs for reducing homelessness, including specific and targeted vulnerable populations (veterans, persons with disabilities, supportive housing for the elderly, re-entry population, families and youth).

3. Funding for comprehensive housing and redevelopment efforts that address blighted and abandoned properties impacting concerted community revitalization efforts, supported by clearly articulated community plans. This could include a variety of housing/redevelopment strategies such as acquisition, demolition, construction, rehabilitation, site remediation and other efforts.

4. Creating new opportunities for affordable homeownership. This may include closing cost/down payment assistance, financial education/counseling or other forms

of assistance to potential first-time homebuyers as well as the development/construction of new homes and rehabilitation of existing housing.

5. Other efforts that address unmet housing and community development needs. This could include projects and programs to assist persons living in manufactured communities, homeowners to remain in their homes through renovation/mortgage/utilities or other forms of housing services and assistance, addressing environmental conditions such as lead paint abatement, rapid rehousing efforts and emergency temporary housing needs resulting from disasters.

#### *PHARE Funding Priority Categories*

The Agency will prioritize funding for proposals targeting at least one of the following housing initiatives (all proposals must fall under one of the seven funding categories):

- *4% Tax Credit Projects*—All projects submitted must be a minimum of 50 units and priority will be given to projects with greater than 75 units.

- *Preservation/Rehabilitation/Renewal*—Rehabilitation of existing housing stock, demolition of blighted, at-risk housing and renewal of brownfields or vacant land for green space.

- *Rental Housing Creation*—Development of new and affordable rental units.

- o May include acquisition, predevelopment costs, construction or significant rehabilitation, or both, and demolition where the development of affordable housing is the end goal.

- *Homelessness Prevention*—Address ongoing needs for individuals and families at risk for homelessness, including (but not limited to) rapid rehousing, rent/utility/transportation assistance, landlord outreach, case management and short-term emergency shelter care.

- Increase the availability of integrated housing opportunities, supportive services, and resources for vulnerable populations such as veterans, the re-entry population, persons dealing with addiction disorders, persons with disabilities, and at-risk youth.

- *Innovative Housing Solutions*—Piloting unique and creative approaches to addressing unmet housing needs and historic disparities in housing.

- *Homeownership*—Development of additional affordable for sale housing units, also to include: programming and homeownership down payment and closing cost assistance for first-time homebuyers and vulnerable/underrepresented communities.

- *Housing Counseling and Financial Education*—Activities providing various types of housing counseling, including pre and post purchase, financial education, foreclosure prevention and other forms of direct client counseling to assist homeowners or renters.

#### *Priorities for Selection*

PHARE/RTT awards will be directed to projects and programs based on the following criteria for selection:

- Projects/programs that show significant leveraging of other funds (local, State and Federal, public and private) to ensure maximum impact.

- Projects/programs that have all funding committed and can move rapidly to implementation and utilization.



- Projects/programs that embrace, partner with, and/or are incorporated into a larger local, county or regional housing development plan.

- Projects/programs that satisfy local planning/zoning ordinances.

- Projects/programs that affirmatively further fair housing.

- Projects/programs that are specifically designed to address a clearly articulated need in a community or specific population.

- o Projects/programs must be ready to address how PHARE funding will be used to address persistent, historical and significant disparities and inequities that exist by race, class, income, culture and education.

- Projects/programs that embrace innovative approaches to Statewide housing and community development issues; address underserved and unmet housing needs across this Commonwealth and otherwise meet overall Agency goals for tackling community redevelopment.

- Documented capacity of applicant and ability to proceed with the project/program in a timely manner.

#### *Eligible Applicants*

Applicants eligible to receive PHARE/RTT funds include units of local government (counties, cities, boroughs, townships, town and home rule municipalities) nonprofit and for profit entities, and economic, community and housing developments organizations in all 67 counties of this Commonwealth.

Applicants are expected to satisfy the affordability requirements of the PHARE program and commit to a long-term sustainable program to maintain affordability (which may be documented with restrictive covenants or other program documents). Applicants must abide by prevailing wage labor payment standards where applicable.

Preliminary approval and funding of applications is contingent upon receipt of funds under Act 58 of 2015.

#### **PHARE/HTF**

The HTF was enacted as part of the Housing and Economic Recovery Act of 2008 to provide resources to develop, preserve and rehabilitate housing for very low income and extremely low-income households. Funding for the HTF is derived from Fannie Mae and Freddie Mac earnings.

HTF funding will be made available to provide additional financial support to tax credit properties which increase the number of units set aside for extremely low income tenants. The Agency received approval from United States Department of Housing and Urban Development (HUD) Commonwealth's HTF Allocation Plan and is awaiting release of funding from HUD. Upon receipt of HUD program documents and release of funding, the Agency will announce the application process in accordance with the HTF Allocation Plan.

A copy of the approved HUD HTF Allocation Plan can be found at <http://www.phfa.org/legislation/act105.aspx>.

Date: December 1, 2021

ROBIN L. WIESSMANN,  
*Executive Director*

[Pa.B. Doc. No. 21-2092. Filed for public inspection December 10, 2021, 9:00 a.m.]

## **INSURANCE DEPARTMENT**

### **Appeal of Doris Bailey under the Quality Health Care Accountability and Protection Article; PA Health and Wellness; Doc. No. HC21-11-014**

Under Article XXI of The Insurance Company Law of 1921, known as the Quality Health Care Accountability and Protection Article (40 P.S. §§ 991.2101—991.2193), notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office will be held on January 5, 2022, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 3, 2022. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention must be electronically filed on or before December 22, 2021, with the Administrative Hearings Office. Answer to protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before January 3, 2022.

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 Joseph Korman at (717) 787-4429 or [jkorman@pa.gov](mailto:jkorman@pa.gov).

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2093. Filed for public inspection December 10, 2021, 9:00 a.m.]

## **INSURANCE DEPARTMENT**

### **Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing**

On November 23, 2021, the Insurance Department received from the Coal Mine Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers' compensation insurance. This filing was made in accordance with section 705 of the Workers' Compensation Act (77 P.S. § 1035.5).

The Bureau requests an overall 0.3% increase in loss costs, effective April 1, 2022, on a new and renewal basis. Additionally, the Bureau has calculated the Employer Assessment Factor effective April 1, 2022, to be 2.68%, as compared to the currently approved provision of 2.48%.

The entire April 1, 2022, loss cost filing is available for review on the Bureau's web site at [www.cmcrbpa.com](http://www.cmcrbpa.com) under "Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation,

1326 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2094. Filed for public inspection December 10, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Independence Blue Cross; Rate Increase Filing for Several LTC Forms (INAC-133050783); Rate Filing

Independence Blue Cross is requesting approval to increase the premium an aggregate 37.23% on 1,223 policy holders with the following individual LTC policy series: 5018, 5019, 5024, 5025, 5311 and 5313.

Unless formal administrative action is taken prior to February 25, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to Michael Hibbert, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mhibbert@pa.gov](mailto:mhibbert@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2095. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Application of Service Electric Cable T.V., Inc. for Approval to Offer, Render, Furnish or Supply Telecommunications Services to the Public as a Competitive Local Exchange Carrier in the Service Territories of all Thirty-Five Incumbent Local Exchange Carriers within the Commonwealth of Pennsylvania

Public Meeting held  
November 18, 2021

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson, Statement, concurring in result only; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Application of Service Electric Cable T.V., Inc. for Approval to Offer, Render, Furnish or Supply Telecommunications Services to the Public as a Competitive Local Exchange Carrier in the Service Territories of all thirty-five Incumbent Local Exchange Carriers within the Commonwealth of Pennsylvania; A-2021-3026335*

### Tentative Order

*By the Commission:*

On June 8, 2021, Service Electric Cable T.V., Inc. (Applicant or SECTV) filed an Application seeking a Certificate of Public Convenience (CPC) under our orders issued pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§ 201 et seq., (TA-96)<sup>1</sup> and to Chapter 11 of the Public Utility Code (Code) (66 Pa.C.S. §§ 1101 et seq.) evidencing authority to provide the following telecommunications services to the public as a Competitive Local Exchange Carrier (CLEC) in the Service Territories of all thirty-five Incumbent Local Exchange Carriers (ILECs) within the Commonwealth of Pennsylvania.

The Applicant was granted provisional authority pursuant to our Secretarial Letter of August 19, 2021, to provide the proposed CLEC services in the service territories of Verizon Pennsylvania LLC and Verizon North LLC pursuant to its proposed tariffs during the pendency of the application process. As required by 52 Pa. Code § 5.14, the Application also was published in the *Pennsylvania Bulletin*.<sup>2</sup> The Applicant was granted a waiver concerning publishing notice of its Application in newspapers of general circulation. The protest period for this Application expired September 20, 2021. The assigned utility code is 310605.

The Applicant complied with notice requirements set forth in our TA-96 Implementation Orders by serving a copy of its Application upon the aforementioned ILECs, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Attorney General. No protests were filed. No hearings were held.

Information concerning the Applicant is as follows:

- The Applicant is a Pennsylvania corporation with its principal place of business at 2200 Avenue A, Bethlehem, PA 18017, phone (610) 625-8579, facsimile (610) 626-5877.
- The Applicant complied with Pennsylvania law relating to a domestic corporation.
- The Applicant's Pennsylvania Emergency Management Agency contact is Jeffery Kelly, Director of Engineering, at SECTV's headquarters; phone (610) 625-8579; facsimile (610) 626-5877; email [kellyj@sectv.com](mailto:kellyj@sectv.com).
- Correspondence to resolve complaints may be directed to Jennifer Brown, at SECTV's headquarters, phone (610) 625-8669, facsimile (610) 865-5031, email [jbrown@sectv.com](mailto:jbrown@sectv.com).
- The Applicant will not be using a fictitious name.
- The Applicant is not operating as a public utility in other states.

<sup>1</sup> In light of the policy objectives of TA-96, market entry requirements for telecommunication service providers are set out in In Re: Implementation of the Telecommunications Act of 1996, Docket No. M-00960799 (Order entered June 3, 1996; Order on Reconsideration entered September 9, 1996) (TA-96 Implementation Orders).

<sup>2</sup> See 51 Pa.B. 5809 (September 4, 2021).

• The instant Application was filed as part of a General Rule Transfer of Control filing associated with the Applicant's acquisition of assets and operations from Service Electric Telephone Company, LLC.<sup>3</sup>

In its Application, SECTV avers that it proposes to offer facilities-based business and residential cable (television), internet, data and voice service via Voice over Internet Protocol ("VoIP") in Pennsylvania.<sup>4</sup> Based on its Application, SECTV is a provider of fixed interconnected VoIP service.

Historically, the Commission has regulated the entry of jurisdictional telecommunications carriers offering service in Pennsylvania through the examination and adjudication of applications for a CPC. These applications are filed pursuant to Chapter 11, Subchapter A of the Public Utility Code (Code).<sup>5</sup> Specifically, this Subchapter requires an entity that is a public utility under Pennsylvania law to obtain a CPC to operate lawfully in the Commonwealth. However, Pennsylvania has since enacted the VoIP Freedom Act (Act), which limits the Commission's regulatory reach over fixed interconnected VoIP service providers like SECTV. Specifically, the Commission's jurisdiction is limited to the five prescribed circumstances in the Act.<sup>6</sup>

The threshold question presented by this Application is whether the Commission can grant a CPC to SECTV, based on its status as a provider of interconnected VoIP service. To answer this threshold question, we first must determine whether SECTV is a public utility under Pennsylvania law. If not, the Commission cannot grant it a CPC. If SECTV is a public utility, we must then determine whether certification is prohibited by the VoIP Freedom Act.

Upon review, SECTV appears to meet the statutory definition of "public utility" under the Code. A telecommunications public utility is defined by the Code as follows: "Any person or corporations now or hereafter owning or operating in this Commonwealth *equipment or facilities* for. . .(vi) Conveying or transmitting messages or *communications*, except as set forth in paragraph (2)(iv), by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service *for the public for compensation*."<sup>7</sup> Thus, a person or corporation that is transmitting (wireline) communications to the public for compensation is a jurisdictional public utility under the Code. Here, SECTV transmits and conveys intrastate wireline voice communications utilizing IP-technology, and it is paid by its customers to do so. As such, it is public utility.

However, our certification analysis does not end there. The Commission also must determine whether the VoIP Freedom Act prohibits certification of SECTV. Under the Act, the Commission is prohibited from enacting or enforcing, either directly or indirectly, any law, rule, regulation, standard, order or other provision having the

force or effect of law that regulates, or has the effect of regulating the rates, terms and conditions of VoIP service.<sup>8</sup> Here, granting certification results in the imposition of numerous regulatory compliance obligations on SECTV.<sup>9</sup> In our view, such a result equates to regulating/having the effect of regulating the rates, terms, and conditions of SECTV's VoIP service, which ostensibly is prohibited by the Act.

Moreover, the prohibitions in the Act can be considered as not only intending to prevent the Commission from regulating the rates and terms and conditions of the actual retail VoIP service provided to the customer, but also, intending to prevent the Commission from establishing market entry requirements applicable to the provider. The question of whether the Act applies to market entry is specifically addressed by the General Assembly in the following legislative findings/declarations:

The General Assembly finds and declares as follows:

(1) Growth and enhancement of services using Internet protocol technology provide Pennsylvania consumers more choice in voice, data and video service than at any other time.

(2) The proliferation of new technologies and applications and a growing number of providers developing and offering innovative services using Internet protocol is due in large part to little regulation, including freedom from regulations governing traditional telephone service, that these new technologies and the companies that offer them have enjoyed in this Commonwealth. The economic benefits, including consumer choice, new jobs and significant capital investment, will be jeopardized and competition minimized by the *imposition of traditional State entry and rate regulation on voice-over-Internet protocol and Internet protocol-enabled services*.<sup>10</sup>

The Commission is required to give effect to all provisions of a statute, especially those that are clear and unambiguous.<sup>11</sup> As made clear by this language, the General Assembly did not intend for the Act to support imposing traditional public utility-type market entry requirements on interconnected VoIP providers. Thus, granting certification to SECTV would seem to conflict with the General Assembly's declaration that it does not support imposing market entry requirements on VoIP service providers.

For these reasons, we believe the VoIP Freedom Act prohibits the Commission from granting a CPC to SECTV. Therefore, SECTV's Application for CLEC authority is tentatively denied.

Before issuing a final decision on the merits, we believe it is in the public interest to provide an opportunity for interested parties to file comments regarding SECTV's Application. Comments will be due within thirty (30) days after the date of publication of this Tentative Order in the *Pennsylvania Bulletin*. Reply comments will be due fifteen (15) days thereafter; *Therefore*,

*It Is Ordered That:*

1. The Application of Service Electric Cable T.V., Inc. at Docket No. A-2021-3026335, for authority to operate as a Competitive Local Exchange Carrier in the service territo-

<sup>3</sup> Application at 4-5. Revised Application pages filed September 10, 2021. Applicant entered into an agreement to acquire assets and operations from its affiliate Service Electric Telephone, LLC, utility code 310651, a certificated CLEC in all ILEC territories, via a General Rule Transfer of Control. See Joint Application of Service Electric Cable T.V., Inc., Service Electric Telephone Company, LLC, and Ironton Telephone Company for Approval of a General Rule Transfer of Control, Docket Nos. A-2018-3006314 and A-2018-3006315.

<sup>4</sup> Application, ¶¶ 8, 10.

<sup>5</sup> 66 Pa.C.S. §§ 1101–1104.

<sup>6</sup> The Commission has retained jurisdiction over: (i) the provision and administration of enhanced 911 service and nondiscriminatory enhanced 911 fees; (ii) telecommunications relay service fees; (iii) universal service fund fees; (iv) switched network access rates or other intercarrier compensation rates for interexchange services provided by a local exchange telecommunications company; and (v) the rates, terms or conditions of protected services provided under tariffs which are subject to approval by the Commission. 73 P.S. § 2251.6(1)(i)–(v).

<sup>7</sup> 66 Pa.C.S. § 102(1)(vi) (emphasis supplied).

<sup>8</sup> 73 P.S. § 2251.4.

<sup>9</sup> These regulatory compliance obligations include but are not limited to those under Chapter 13 of the Code pertaining to rates and tariffing, Chapter 15 of the Code pertaining to service and facilities, Chapter 63 of the Commission's regulations pertaining to quality of service, Chapter 63 of the Commission's regulations pertaining to transfers of control, and Chapter 64 of the Commission's regulations pertaining to billing and suspension/termination and restoration of service.

<sup>10</sup> 73 P.S. § 2251.2 (emphasis added).

<sup>11</sup> 1 Pa.C.S. § 1921(a), (b).



ries of all thirty-five Incumbent Local Exchange Carriers within the Commonwealth of Pennsylvania is tentatively denied.

2. The Secretary's Bureau shall duly certify this Tentative Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Within thirty (30) days after the date that this Tentative Order is published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the Application of Service Electric Cable T.V., Inc. at Docket No. A-2021-3026335. Reply comments will be due fifteen (15) days thereafter.

ROSEMARY CHIAVETTA,  
Secretary

ORDER ADOPTED: November 18, 2021

ORDER ENTERED: November 29, 2021

### Statement of Chairperson Gladys Brown Dutrieuille

The case before us today is the Application by Service Electric Cable Company, Inc. (SECTV or Company) in which it is seeking a Certificate of Public Convenience (CPC) from the Commission in order to operate as a competitive local exchange carrier (CLEC) in the certificated service territories of all thirty-five Incumbent Local Exchange Carriers (ILECs) within the Commonwealth of Pennsylvania.

In its Application, the Company avers that it has been providing voice service as an interconnected Voice-over-Internet Protocol (VoIP) service provider and it will continue to provide local exchange service to future customers via its interconnected VoIP network. VoIP technology allows customers to use an internet connection to make and receive voice phone calls while also receiving internet and data services. With the rise of broadband, VoIP has become the definitive choice for phone service for consumers and businesses alike. Interconnected VoIP service may be "nomadic" or "fixed."<sup>12</sup>

The Commission recognizes that the Federal Communications Commission (FCC) has not yet classified VoIP as a "telecommunications service" or "information service" although that has been pending since 2004.<sup>13</sup> While it has not yet addressed this classification issue, the FCC ruled that state certification of Interconnected VoIP services was preempted because of the impossibility of distinguishing between the intrastate and interstate features of VoIP services.<sup>14</sup> Nonetheless, as some courts have determined, I believe that the FCC did not preempt the entire field of VoIP regulation.<sup>15</sup> Additionally, the FCC did not declare that all VoIP services could not be separated into interstate and intrastate communications and has stated itself that it reads the FCC's preemption determination narrowly to apply to "nomadic" interconnected VoIP service only and not to apply to fixed interconnected VoIP service.<sup>16</sup> Conversely, the 5th Circuit Court of Appeals

recently rejected the FCC's brief explaining its position on VoIP and determined that no state commission can certify any VoIP under state law—a position the FCC does not share.<sup>17</sup> However, I am mindful that a decision in one circuit is not binding in the 3rd circuit should we decide to certify VoIP.<sup>18</sup>

Essentially, VoIP service uses different technology protocols to provide voice service or local exchange service to customers. Notwithstanding, this particular type of certification presents complex issues involving the interplay of two state laws—the VoIP Freedom Act, 73 Pa.C.S. 2251.1 et seq., and the Public Utility Code (Code), 66 Pa.C.S. §§ 1101 and 1103. The VoIP Freedom Act governs the manner in which Internet Protocol-enabled voice service, specifically, Voice over Internet Protocol (VoIP)) may be regulated by state agencies, and the Commission's certification authority telecommunications public utilities is set forth in Sections 1101 and 1103 of the Code, 66 Pa.C.S. §§ 1101 and 1103.

The offering and provisioning of local exchange service remains within the Commission's jurisdiction and is subject to regulation under the Public Utility Code. In particular, the Code requires entities offering and providing local exchange service to obtain state certification from the Commission as evidence of their authority to provide voice service in Pennsylvania. At the same time, the VoIP Freedom Act limits this Commission's authority over interconnected VoIP service and preserves its authority over protected services provided under tariff, 911, intercarrier compensation, telecommunications relay service (TRS), and universal service although the Commission's traditional authority over entry, rates, and terms of service is limited.

When read together, Sections 2251.2(2) and 2251.4 of the VoIP Freedom Act, 73 P.S. §§ 2251.2(2) and 2251.4, prohibit a Commonwealth agency from imposing traditional state entry and rate regulation over interconnected VoIP service, but not all forms of state certification or its equivalent are prohibited, particularly when doing so furthers the Commission's enforcement of its retained authority in Section 2251.6 of the VoIP Freedom Act, 73 P.S. 2251.6. Thus, a blanket prohibition effectively renders the word "traditional" as surplusage.

Section 2251.6 of the VoIP Freedom Act, 73 P.S. § 2251.6, preserves the Commission's authority over protected services provided under tariff, 911, TRS, intercarrier compensation, and universal service. This retained authority includes the consumers receiving protected service under tariff today from their certificated provider. Interconnected VoIP service customers should not lose the Commission's consumer protections simply because their provider is using a different technology to provide voice service.

Additionally, the proposed approach creates a two-tier structure in which ILECs and some CLECs that may be using VoIP service continue to have the benefits that accompany having a CPC such as zoning exemption and

<sup>12</sup> Nomadic service allows a customer to use the service by connecting to the Internet wherever a broadband connection is available, making the geographic originating point difficult or impossible to determine. Fixed VoIP service, however, originates from a fixed geographic location.

<sup>13</sup> In the Matter of IP-Enabled Services, 19 FCC Red. 4863 (2004). Accord *Charter Communications v. Minnesota Public Utilities Commission*, Docket No. 17-2290 (September 18, 2018), n. 2.

<sup>14</sup> See In re Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the MPUC, Memorandum Opinion and Order, 19 FCC Red 22404, 22417—22424 ¶¶ 22—32 (2004), *aff'd sub nom.*, *Minn. Pub. Utils. Comm'n v. FCC*, 483 F.3d 570 (8th Cir. 2007) (Vonage Preemption Order).

<sup>15</sup> *Comcast IP Phone v. Missouri Public Service Commission*, (W.D. Mo. January 17, 2007) (Comcast IP Phone of Missouri, 2007).

<sup>16</sup> *Comcast IP Phone of Missouri*, 2007; see also In the Matter of Universal Service Contribution Methodology, 21 FCC Red 7518, 7545-46 ¶ 56 (2006) (The FCC determined that the interstate and intrastate operations of interconnected VoIP providers can be distinguished for the limited purpose of assessing universal service contributions.).

<sup>17</sup> See *Charter Advanced Services vs. Minnesota Public Utilities Commission*, Docket No. 17-2990 (9/18/18) at n. 2, cert denied *Lipschultz v. Charter Advanced Services*, Docket No. 18-1386 (October 21, 2019).

<sup>18</sup> *Mast, Foss & Co v. Stover Mfg.*, 177 U.S. 485, 488 (1900); *Consumers Union of America v. Consumer Product Safety Commission*, 590 F.2d 1209, 1217—19 (D.C. Cir. 1978) rev'd on other grounds *GTE Sylvania v. Consumers Union of the US* 445 U.S. 375 (1980); In re: *Aspinwall's Estate*, 90 F.675, 678 (3rd Cir. 1898). See also Joseph W. Mead, "Stare Decisis in the Inferior Courts of the United States," 12 Nevada Law Journal 787, 790 and <https://www.manatt.com/Manatt/media/Media/PDF/03-What-Every-Lawyer-Should-Know-About-Stare-Decisis,-Cal-Defender-70-.pdf>



eminent domain, while their uncertificated voice service competitors that are also using the same VoIP service have no such corresponding rights, privileges or benefits. This detrimentally impacts competition and that may contravene Section 253(a) of the Telecommunications Act of 1996. Section 253 permits a state to impose conditions on telecommunications providers so long as they are competitively neutral. The two-tier result does not appear to be competitively neutral and risks preemption of the General Assembly's law.

Finally, the focus on VoIP ignores the fact that the Applicant will provide voice service, a service certificated by this Commission. Moreover, this instant case is not a case of first impression when it comes to an interconnected VoIP service provider seeking to obtain a CPC from the Commission so that it might operate as a certificated CLEC in Pennsylvania.<sup>19</sup> This departure from that precedent is not explained.

Accordingly, I agree that this matter should be put out for public comment. However, I disagree that we should tentatively deny a request for a certificate of public convenience. I encourage the public and interested stakeholders to comment on these observations and any others during the Comment and Reply Period.

In the interim, for these reasons, I concur in the result only.

Date: November 18, 2021

GLADYS BROWN DUTRIEUILLE,  
*Chairperson*

[Pa.B. Doc. No. 21-2096. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### General Rule Transaction

**A-2021-3029691 and A-2021-3029692. Peerless Network of Pennsylvania, LLC and Airus, Inc.** Joint application of Peerless Network of Pennsylvania, LLC and Airus, Inc. for approval of a general rule transaction of the indirect change in control by merger of applicants from Peerless Network Holdings, Inc. to OpenMarket, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 27, 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:* Peerless Network of Pennsylvania, LLC; Airus, Inc.; Peerless Network Holdings, Inc.; OpenMarket, Inc.

<sup>19</sup> Approval of Claverack Communications LLC Authority to Operate as an Interexchange Carrier Reseller throughout the Commonwealth of Pennsylvania, Docket No. A-2021-3024004 (Order entered April 15, 2021).

*Through and By:* Michael Hazzard, Esquire, DLA Piper LLP (US), One Liberty Place, 1650 Market Street, Suite 5000, Philadelphia, PA 19103, (202) 799-4560, [mike.hazzard@us.dlapiper.com](mailto:mike.hazzard@us.dlapiper.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2097. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Green Mountain Energy Company

Public Meeting held  
November 18, 2021

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Green Mountain Energy  
Company; M-2021-3009235*

### Tentative Opinion and Order

*By the Commission:*

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement, Settlement Agreement, or Petition) filed on July 9, 2021, by the Commission's Bureau of Investigation and Enforcement (I&E) and Green Mountain Energy Company<sup>1</sup> (Green Mountain or Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E. Both Parties submitted Statements in Support of the Settlement. The Parties submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy. Petition at 10.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement and issue the Settlement for comments.<sup>2</sup>

### *History of the Proceeding*

This matter concerns alleged unauthorized changes to customers' electric generation supply service. Between

<sup>1</sup> Green Mountain is a licensed electric generation supplier (EGS) as defined by 66 Pa.C.S. § 2803. On June 10, 2011, at Docket No. A-2011-2229050, the Commission granted Green Mountain approval to begin to offer, render, furnish or supply electricity or electric generation supplier services to large commercial, industrial and governmental customers in all electric distribution company (EDC) service territories within the Commonwealth of Pennsylvania. On February 16, 2012, Green Mountain's license was amended to enable Green Mountain to begin to offer, render, furnish or supply electric generation supplier services as a supplier to residential and small commercial (25 kilowatt and under) customers in all EDC service territories throughout the Commonwealth of Pennsylvania.

<sup>2</sup> As discussed, *infra*, because of the number of customers involved in the Settlement, including the customers who filed informal complaints in this matter, we believe that it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

June 1, 2018 and September 30, 2020, the Commission's Bureau of Consumer Services (BCS) received approximately twenty-two informal complaints from residential customers alleging that their electricity accounts had been switched to receive the Company's electric generation supply without authorization. Petition at 3-4. The unauthorized switching allegations stemmed from Green Mountain's marketing activities at in-person locations, including retail and event sites, where Green Mountain agents were utilizing eligible customer lists<sup>3</sup> (ECL) to obtain the information of prospective customers. Id.

Upon determining that the allegations warranted a further investigation to examine whether the actions of Green Mountain violated Commission Regulations, I&E instituted an informal investigation of Green Mountain based on information referred to I&E by BCS. Petition at 3.

Thereafter, the Parties entered into negotiations and agreed to resolve the matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Id. at 4. The Parties filed the instant Settlement on July 9, 2021.

#### *Background*

BCS received approximately twenty-two informal complaints submitted by residential customers alleging that their electricity accounts had been switched to receive electric generation service supplied by Green Mountain without their authorization. A review by BCS of the informal complaints determined that the alleged unauthorized enrollments were set up by agents who used the ECL at in-person marketing locations. BCS became concerned that Green Mountain agents were improperly using the ECL, which contains customer information, to switch customers to Green Mountain without the customers' consent. Therefore, BCS referred the matter to I&E. Petition at 4.

By letter dated January 8, 2021, I&E notified Green Energy that it had initiated an informal investigation of the Company consistent with Sections 331(a) and 506 of the Public Utility Code, 66 Pa.C.S. §§ 331(a) and 506, and Section 3.113 of the Commission's Regulations, 52 Pa. Code § 3.113. I&E advised Green Mountain that its investigation would focus on the Company's marketing, sales and enrollment practices as an EGS in Pennsylvania. Id. at 4-5.

I&E's investigation primarily consisted of the review of the Company's responses to two sets of data requests served to Green Mountain on January 8, 2021 and April 2, 2021, respectively. The results of I&E's investigation determined that between June 1, 2018 and September 30, 2020, Green Mountain, or agents acting on behalf of Green Mountain, enrolled 156 residential customers to receive electric generation supply provided by the Company without the customers' authorization, with such enrollments originating from Green Mountain's in-person marketing locations. I&E found that, of the 156 unauthorized enrollments, 141 were the direct result of enrollment processing errors, which occurred when Green Mountain agents inadvertently selected the incorrect customer account from the ECL or where the agent failed to advise the customer that he or she was switching suppliers until after the enrollment was signed. The remaining fifteen unauthorized enrollments involved either sales agent misrepresentation (ten instances) or consisted of straight-forward unauthorized switching (five instances). Petition at 5.

<sup>3</sup> ECLs include customer information that is made available to EGSs by EDCs.

I&E provided that as a supplier, Green Mountain is responsible for fraudulent, deceptive or other unlawful marketing acts performed by its agents. Petition at 5, n. 2 (citing 52 Pa. Code § 54.43(f) and 52 Pa. Code § 111.3). Therefore, based on its investigation, I&E alleged that Green Mountain's conduct potentially violated 52 Pa. Code §§ 54.42(a)(9), and the Standards for Changing a Customer's Electricity Generation Supplier at 52 Pa. Code §§ 57.171—180 (multiple counts). Id. at 6. If this matter had been fully litigated, I&E would have sought a civil penalty of \$1,000 per violation for each of the 156 accounts that were switched without the authorization of the customers, and \$1,000 per day for each day that a customer received electric generation supplied by Green Mountain without the customer's consent. See 66 Pa.C.S. § 3301(a)-(b). Id. at 7.

In turn, if this matter had been fully litigated, Green Mountain intended to raise defenses to I&E's allegations and defend against the same at hearing, presenting evidence and making legal arguments as follows:

- Because 141, or over 90%, of the alleged unauthorized switches involved ECL processing errors, the imposition of \$1,000 per violation is not warranted.
- An unauthorized switch is a single violation, not an ongoing violation that warrants a \$1,000 per day civil penalty for each and every day that a customer received electric generation supplied by Green Mountain, and to the extent the Commission views it as such, no penalties should be assessed after two billing periods. See 52 Pa. Code § 57.177(b) (customer should have reasonably known of a change within that time period).
- The 10 instances involving customers' allegations about the agents' representations are not credible given the process that Green Mountain follows to complete an enrollment.
- A lower civil penalty per violation should be imposed due to: (a) the actions that Green Mountain has taken to avoid a recurrence; (b) the small percentage of Green Mountain's total customer base that is the subject of this investigation; (c) Green Mountain's history of compliance with the Commission's regulations, as well as its cooperation with I&E's investigation; and (d) the programs that Green Mountain has in place, and continuously improves, to train sales agents, monitor agent performance, enforce agent compliance with requirements, complete enrollment verifications, and conduct quality assurance activities.

• Notwithstanding the provision in the regulations at 52 Pa. Code § 57.177(b) regarding refunds, the Commission does not have statutory authority to direct Green Mountain to issue refunds. See *Blue Pilot Energy, LLC v. Pa. PUC*, 241 A.3d 1254 (2020), 2020 Pa. Commw. LEXIS 720. At most, refunds should be limited to the customers who disputed the switch within the first two billing periods.

Petition at 7-8.

I&E's investigation further found that the Company undertook a number of proactive, corrective measures designed to prevent similar occurrences in the future. Most notably, Green Mountain eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The ECL tool now utilizes advanced identification scanning technology to authenticate customer identities, thereby reducing the potential for ECL mismatches. Additionally, to prevent exploitation of the ECL, Green Mountain tightened its disciplinary policy for ECL mis-

use, which may result in the loss of ECL privileges and potential removal from working on behalf of Green Mountain. Petition at 6.

Weighing the seriousness of the allegations against various mitigating circumstances that are present here, I&E determined that the Settlement was appropriate. I&E noted the proactive measures taken by Green Mountain, prior to the initiation of its investigation, which targeted ECL misuse in an effort to prevent unauthorized switching at in-person locations. Additionally, I&E acknowledged that the Company has been cooperative with I&E's investigation, as exemplified by the Company's responsiveness to data requests and through its cooperation during settlement discussions. I&E Statement in Support at 4, 11.

#### *Terms and Conditions of the Settlement*

The Parties indicate that the Settlement, which is attached to this Opinion and Order, has been filed by the Parties to resolve all issues related to I&E's informal investigation and represents a compromise by both I&E and Green Mountain of their respective competing positions in this proceeding. Additionally, the Parties submit that the Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy. The Parties further state that the Settlement constitutes a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Petition at 11-12. The Parties urge the Commission to approve the Settlement as being in the public interest. Petition at 13.

The Settlement consists of the Joint Petition for Approval of Settlement containing the terms and conditions of the Settlement and three appendices. Appendix A contains Proposed Ordering Paragraphs, while Appendices B and C to the Settlement are the Statements in Support of the Settlement submitted by I&E and Green Mountain, respectively.

The essential terms of the Settlement are set forth in Paragraph 29. Petition at 9-10. The Parties agreed to the following terms and conditions, excerpted in relevant part, as follows:

A. Green Mountain will pay a civil penalty in the amount of One Hundred Fifty-Six Thousand Dollars (\$156,000), pursuant to 66 Pa.C.S. § 3301, to resolve all allegations of unauthorized switching, and to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations and Orders arising from, or related to, the conduct investigated herein. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

B. Green Mountain will provide to each of the one hundred fifty-six (156) customers a refund for the en-

tire electric generation supply portion on the customer's bill for the first two (2) billing periods that the customers were switched to Green Mountain, pursuant to 52 Pa. Code § 57.177(b). Green Mountain will issue the customer refunds within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement. Pursuant to 52 Pa. Code § 5.591, following payment of the refunds, Green Mountain will file with the Commission a verification acknowledging that all refund payments have been disbursed, satisfying this settlement provision.

C. Green Mountain shall refund any cancellation fee or early termination fee imposed by other EGSs and incurred by any of the aforementioned customers as a result of the unauthorized switch to Green Mountain, pursuant to 52 Pa. Code § 57.177(c), provided that the customer supplies documentation of incurring the fee.

D. After the entry of a Final Commission Order in this matter, Green Mountain will provide I&E with a monthly report by the 30th of each month, for a period of one (1) year, detailing complaints from Pennsylvania consumers that were received by the Company from BCS, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to the Company related to allegations of unauthorized switching that originated from in-person marketing locations. The monthly report to I&E shall include customer complaint data from the previous month.

E. Green Mountain agrees to retain customer signatures placed on enrollment tablets used at in-person marketing locations for a period of one (1) year starting after the entry of a Final Commission Order in this matter, and will provide such records to BCS and I&E upon request.

Petition at 9-10.

In response, I&E agrees to forgo the institution of any formal complaint against Green Mountain with respect to allegations of unauthorized enrollments committed by Green Mountain agents at in-person marketing locations during the time period in question. Petition at 10.

The proposed Settlement is conditioned on the Commission's approval without modification of any of its terms or conditions. If the Commission does not approve the proposed Settlement or makes any change or modification to the proposed Settlement, either Party may elect to withdraw from the Settlement. Id. at 11.

#### *Discussion*

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

#### **§ 3.113. Resolution of informal investigations.**

\* \* \*

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

\* \* \*



(3) When the utility, or other person subject to the Commission’s jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission’s consideration of the settlement or approval of the utility’s action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility’s action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

*Conclusion*

Before issuing a decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above, we believe it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*. Therefore, we will: (1) publish this Opinion and Order and a copy of the proposed Settlement and Statements in Support, attached hereto, in the *Pennsylvania Bulletin*; and (2) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five days after the date of publication in the *Pennsylvania Bulletin*; Therefore,

*It Is Ordered That:*

1. The Secretary’s Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2021-3009235, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days after the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement and the Statements in Support thereof are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement. Comments to the proposed Settlement shall be filed through efilng. Please know that at this time all parties wanting to file with the Commission and participate in proceedings before the Commission must open an efilng account free of charge through our website and accept eservice. This is in accordance with the Commission’s Emergency Order at Docket No. M-2020-3019262. An efilng account may be opened at our website, <https://www.puc.pa.gov/efiling/default.aspx>.

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2021-3009235, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. Subsequent to the Commission’s review of any comments filed in this proceeding, at Docket No. M-2021-3009235, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: November 18, 2021

ORDER ENTERED: November 18, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	:	
	:	
	:	
	:	
v.	:	Docket No. M-2021-3009235
	:	
Green Mountain Energy Company, Respondent	:	
	:	

**JOINT PETITION FOR APPROVAL OF SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41, 5.232 and 3.113(b)(3), the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and Green Mountain Energy Company (“Green Mountain” or “Company”) hereby submit this Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) to resolve all issues related to an informal investigation initiated by I&E. I&E’s investigation was initiated based on information provided by the Commission’s Bureau of Consumer Services (“BCS”), which received informal complaints from residential consumers alleging that Green Mountain enrolled their electricity

accounts to receive the Company’s electric generation supply without their consent or knowledge.

As part of this Settlement Agreement, I&E and Green Mountain (hereinafter referred to collectively as the “Parties”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification. Proposed Ordering Paragraphs are attached as Appendix A. Statements in Support of the Settlement expressing the individual views of I&E and Green Mountain are attached hereto as Appendix B and Appendix C, respectively.

*I. Introduction*

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission’s Bureau of In-



investigation and Enforcement, by its prosecuting attorneys, 400 North Street, Harrisburg, PA 17120, and Green Mountain with a principal place of business at 3711 Market Street, Suite 1000, Philadelphia, PA 19104.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (“Code”), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); see also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

4. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

5. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints alleging a violation of any law, regulation or order that the Commission has jurisdiction to administer.

6. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission’s authority for violations of the Code, the Commission’s regulations and orders. Section 3301 allows for the imposition of a fine for each violation and each day’s continuance of such violation(s).

7. Green Mountain is a licensed electric generation supplier (“EGS”) as defined by 66 Pa.C.S. § 2803. On or about June 10, 2011, at Docket No. A-2011-2229050, the Company was granted Commission approval to begin to offer, render, furnish or supply electricity or electric generation supplier services to large commercial, industrial and governmental customers in all electric distribution company (“EDC”) service territories within the Commonwealth of Pennsylvania. On February 16, 2012, Green Mountain’s license was amended to enable Green Mountain to begin to offer, render, furnish or supply electric generation supplier services as a supplier to residential and small commercial (25 kilowatt and under) customers in all EDC service territories throughout the Commonwealth of Pennsylvania.

8. Green Mountain, as a licensed provider of electric generation supply service, is subject to the power and authority of the Commission pursuant to Sections 501 and 2809 of the Code, 66 Pa.C.S. §§ 501, 2809.

9. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and actions of Green Mountain in its capacity as an EGS serving customers in Pennsylvania.

10. This matter involves the unauthorized enrollments of residential accounts by agents of Green Mountain to receive electric generation supplied by the Company.

11. A review of the resulting informal consumer complaints to BCS led to an informal investigation initiated by I&E prosecutory staff based on information referred to I&E by BCS.

12. BCS received allegations from numerous residential consumers alleging that their electricity accounts had

been switched to receive electric generation supply provided by Green Mountain without the customers’ authorizations. The unauthorized switching allegations stemmed from Green Mountain’s marketing activities at in-person locations, including retail and event sites, where Green Mountain agents were utilizing eligible customer lists (“ECL”)<sup>4</sup> to obtain the information of prospective customers.

13. As a result of negotiations between I&E and Green Mountain, the Parties have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commission’s policy to promote settlements. See 52 Pa. Code § 5.231. The duly authorized parties executing this Settlement Agreement agree to the settlement terms set forth herein and urge the Commission to approve the Settlement as submitted as being in the public interest.

## II. Background

14. Between June 1, 2018 and September 30, 2020, BCS received several informal complaints submitted by residential customers alleging that their electricity accounts had been switched to receive electric generation service supplied by Green Mountain without their authorization.

15. Approximately twenty-two (22) informal complaints submitted to BCS during this timeframe alleged that the customer was enrolled with Green Mountain without the customer’s consent and, in response, Green Mountain acknowledged that the switch was unauthorized, occurred at an in-person location and used information obtained from the ECL.

16. BCS became concerned that Green Mountain agents were improperly using the ECL at in-person locations to switch customers to Green Mountain without the customers’ consent.

17. Based on the seriousness of the allegations set forth in the informal complaints, BCS referred the matter to I&E.

18. By letter dated January 8, 2021, I&E notified Green Mountain that it had initiated an informal investigation of the Company consistent with Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506, and Section 3.113 of the Commission’s regulations, 52 Pa. Code § 3.113. I&E advised Green Mountain that its investigation would focus on the Company’s marketing, sales and enrollment practices as an EGS in Pennsylvania, which were brought to I&E’s attention as a result of the aforementioned informal complaints.

19. I&E served Green Mountain with two (2) sets of data requests on January 8, 2021 and April 2, 2021, respectively.

20. After receiving an extension of time to respond, Green Mountain timely responded to I&E’s Data Requests—Set I on February 26, 2021 and provided supplemental responses on March 4, 2021. Green Mountain timely responded to I&E’s Data Requests—Set II on April 13, 2021.

21. The results of I&E’s investigation, which included a review of the Company’s responses to I&E’s data requests, formed the basis for the instant Settlement Agreement.

22. I&E found that between June 1, 2018 and September 30, 2020, Green Mountain or agents acting on behalf

<sup>4</sup> ECLs include customer information that is made available to EGSs by EDCs.

of Green Mountain<sup>5</sup> enrolled 156 residential customers to receive electric generation supply provided by the Company without the customers' authorization, with such enrollments originating from Green Mountain's in-person marketing locations.

23. Green Mountain placed each of the alleged 156 unauthorized enrollments into three different categories: (1) enrollment processing errors, which total 141; (2) instances of sales agent misrepresentation, which total 10; and (3) straightforward unauthorized enrollments, which total 5.

24. The bulk of the unauthorized enrollments pertain to enrollment processing errors, which occurred when Green Mountain agents inadvertently selected the incorrect customer account from the ECL or where the agent failed to advise the customer that he or she was switching suppliers until after the enrollment was signed.

25. I&E's investigation further determined that the Company undertook a number of corrective measures designed to prevent similar occurrences in the future. Most notably, Green Mountain eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The ECL tool now utilizes advanced identification scanning technology to authenticate customer identities, thereby reducing the potential for ECL mismatches. Additionally, to prevent exploitation of the ECL, Green Mountain tightened its disciplinary policy for ECL misuse, which may result in the loss of ECL privileges and potential removal from working on behalf of Green Mountain.

### III. Alleged Violation

26. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Green Mountain committed the following violation:

- Green Mountain agents transferred the electric generation supplier to Green Mountain on at least one hundred fifty-six (156) residential accounts between June 1, 2018 and September 30, 2020 without the authorization of the customers. If proven, I&E alleges that such conduct would have violated 52 Pa. Code §§ 54.42(a)(9), and the Standards for Changing a Customer's Electricity Generation Supplier at 52 Pa. Code §§ 57.171—180 (multiple counts).

- I&E would have argued that the Commission has a zero-tolerance policy regarding the unauthorized switching of customer accounts.

- I&E would have sought a civil penalty of \$1,000 per violation for each of the one hundred fifty-six (156) accounts that were switched without the authorization of the customers, and \$1,000 per day for each and every day that a customer received electric generation supplied by Green Mountain without the customer's consent. See 66 Pa.C.S. § 3301(a)-(b).

27. Had this matter been litigated, Green Mountain would have raised defenses to these allegations and defended against the same at hearing, presenting evidence and making legal arguments as follows:

- Because 141, or over 90%, of the alleged unauthorized switches involved ECL processing errors, the imposition of \$1,000 per violation is not warranted.

<sup>5</sup> A supplier is responsible for fraudulent, deceptive or other unlawful marketing acts performed by its agent. See 52 Pa. Code § 54.43(f) and 52 Pa. Code § 111.3.

- An unauthorized switch is a single violation, not an ongoing violation that warrants a \$1,000 per day civil penalty for each and every day that a customer received electric generation supplied by Green Mountain, and to the extent the Commission views it as such, no penalties should be assessed after two billing periods. See 52 Pa. Code § 57.177(b) (customer should have reasonably known of a change within that time period).

- The 10 instances involving customers' allegations about the agents' representations are not credible given the process that Green Mountain follows to complete an enrollment.

- A lower civil penalty per violation should be imposed due to: (a) the actions that Green Mountain has taken to avoid a recurrence; (b) the small percentage of Green Mountain's total customer base that is the subject of this investigation; (c) Green Mountain's history of compliance with the Commission's regulations, as well as its cooperation with I&E's investigation; and (d) the programs that Green Mountain has in place, and continuously improves, to train sales agents, monitor agent performance, enforce agent compliance with requirements, complete enrollment verifications, and conduct quality assurance activities.

- Notwithstanding the provision in the regulations at 52 Pa. Code § 57.177(b) regarding refunds, the Commission does not have statutory authority to direct Green Mountain to issue refunds. See *Blue Pilot Energy, LLC v. Pa. PUC*, 241 A.3d 1254 (2020), 2020 Pa. Commw. LEXIS 720. At most, refunds should be limited to the customers who disputed the switch within the first two billing periods.

### IV. Settlement Terms

28. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of discussions that culminated in this Settlement. I&E and Green Mountain desire to: (i) terminate I&E's informal investigation; and (ii) settle this matter completely without litigation. Although Green Mountain may dispute or disagree with the allegations described above, it fully acknowledges the seriousness of the allegations and recognizes the need to prevent similar allegations from reoccurring. Moreover, the Parties recognize that this is a disputed claim, and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues prior to the initiation of any formal enforcement proceeding. The terms and conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

29. I&E and Green Mountain, intending to be legally bound and for consideration given, desire to fully and finally conclude this matter and agree that a Commission Order approving the Settlement without modification shall create the following rights and obligations:

A. Green Mountain will pay a civil penalty in the amount of One Hundred Fifty-Six Thousand Dollars (\$156,000), pursuant to 66 Pa.C.S. § 3301, to resolve all allegations of unauthorized switching, and to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations and Orders arising from, or related to, the conduct investigated herein. Said payment shall be made within thirty (30)

days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

B. Green Mountain will provide to each of the one hundred fifty-six (156) customers a refund for the entire electric generation supply portion on the customer's bill for the first two (2) billing periods that the customers were switched to Green Mountain, pursuant to 52 Pa. Code § 57.177(b). Green Mountain will issue the customer refunds within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement. Pursuant to 52 Pa. Code § 5.591, following payment of the refunds, Green Mountain will file with the Commission a verification acknowledging that all refund payments have been disbursed, satisfying this settlement provision.

C. Green Mountain shall refund any cancellation fee or early termination fee imposed by other EGSs and incurred by any of the aforementioned customers as a result of the unauthorized switch to Green Mountain, pursuant to 52 Pa. Code § 57.177(c), provided that the customer supplies documentation of incurring the fee.

D. After the entry of a Final Commission Order in this matter, Green Mountain will provide I&E with a monthly report by the 30th of each month, for a period of one (1) year, detailing complaints from Pennsylvania consumers that were received by the Company from BCS, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to the Company related to allegations of unauthorized switching that originated from in-person marketing locations. The monthly report to I&E shall include customer complaint data from the previous month.

E. Green Mountain agrees to retain customer signatures placed on enrollment tablets used at in-person marketing locations for a period of one (1) year starting after the entry of a Final Commission Order in this matter, and will provide such records to BCS and I&E upon request.

30. Upon Commission approval of the Settlement in its entirety without modification and in consideration of the Company's payment of the total civil penalty in the amount of One Hundred Fifty-Six Thousand Dollars (\$156,000), disbursement of customer refunds and compliance with the other terms of this Settlement, as specified herein, I&E agrees that its informal investigation relating to Green Mountain's conduct as described in this Settlement Agreement shall be terminated and marked closed.

31. Upon Commission approval of the Settlement in its entirety without modification, I&E agrees to forgo the institution of any formal complaint against the Company at the Commission with respect to allegations of unauthorized enrollments committed by Green Mountain agents at in-person marketing locations during the time period in question.

32. I&E and Green Mountain jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement for Litigated and Settled Proceedings Involving Violations of the Code and Commission Regulations, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations, and avoids the time and expense of litigation, which entails hearings, travel for the Company's witnesses, and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals.

33. Attached as Appendices B and C are Statements in Support submitted by I&E and Green Mountain, respectively, setting forth the bases upon which the Parties believe the Settlement Agreement is in the public interest.

#### V. Conditions of Settlement

34. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the Parties. This Settlement Agreement shall be construed and interpreted under Pennsylvania law.

35. The Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Joint Petition for Approval of Settlement without modification. If the Commission modifies this Settlement Agreement, any party may elect to withdraw from the Settlement and may proceed with litigation and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon all parties within twenty (20) days after entry of an Order modifying the Settlement.

36. The Parties agree that the underlying allegations were not the subject of any hearing and that there has been no order, findings of fact or conclusions of law rendered in this informal investigation proceeding. It is further understood that, by entering into this Settlement Agreement, Green Mountain has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings that may arise as a result of the circumstances described in the Settlement.

37. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party's position with respect to any issues raised in this matter.

38. If either party should file any pleading, including comments, in response to a tentative or final order of the Commission, the other party shall have the right to file a reply.

39. This Settlement Agreement is being presented only in the context of this informal investigation in an effort to resolve the matter in a manner that is fair and reasonable. This Settlement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement Agreement. This Settlement does not preclude the Parties from taking other positions in any other proceeding.



40. The Parties arrived at the Settlement after conducting informal discovery and engaging in discussions over several months. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Green Mountain Energy Company respectfully request that the Commission issue an Order approving the terms of this Settlement Agreement in their entirety as being in the public interest.

Respectfully Submitted,

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement

By:

Stephanie M. Wimer  
Senior Prosecutor  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
stwimer@pa.gov

Date: July 9, 2021

Green Mountain Energy Company

By:

Karen O. Moury  
Attorney for Green Mountain Energy Company  
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Harrisburg, PA 17101  
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Date: July 9, 2021

**Appendix A**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. M-2021-3009235
	:	
Green Mountain Energy Company,	:	
Respondent	:	

**PROPOSED ORDERING PARAGRAPHS**

1. That the Joint Settlement Petition filed on July 9, 2021 between the Commission's Bureau of Investigation and Enforcement and Green Mountain Energy Company is approved in its entirety without modification.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within thirty (30) days of the date this Order becomes final, Green Mountain Energy Company shall pay a civil penalty of One Hundred Fifty-Six Thousand Dollars (\$156,000). Said payment shall be made by certified check or money order payable to "Commonwealth of Pennsylvania" and shall be sent to:

Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

3. Within thirty (30) days of the date this Order becomes final, Green Mountain Energy Company shall provide to each of the customers who had one or more of the 156 accounts switched to receive its service, a refund for the entire electric generation supply portion on the customers' bills for the first two (2) billing periods that the customers were switched, pursuant to 52 Pa. Code § 57.177(b). Following payment of the refunds, Green

Mountain Energy Company shall file with the Commission a verification acknowledging that all refund payments have been disbursed.

4. Green Mountain Energy Company shall refund any cancellation fee or early termination fee charged by another electric generation supplier and incurred by a customer impacted by the unauthorized switching that is the subject of this informal investigation proceeding, pursuant to 52 Pa. Code 57.177(c), provided that the customer supplies documentation of incurring the fee.

5. Upon entry of this Order, Green Mountain Energy Company shall provide the Bureau of Investigation and Enforcement with a monthly report by the 30th of each month, for a period of one year, detailing complaints from Pennsylvania consumers that were received by the Company from Bureau of Consumer Services, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to Green Mountain Energy Company related to allegations of unauthorized switching that originated from in-person marketing locations.

6. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Bureau of Administration.

7. That the above-captioned matter shall be marked closed upon receipt of the civil penalty and verification indicating that all customer refunds have been disbursed.



**Appendix B**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. M-2021-3009235
	:	
Green Mountain Energy Company,	:	
Respondent	:	

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**THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S**  
**STATEMENT IN SUPPORT OF THE**  
**JOINT PETITION FOR APPROVAL OF SETTLEMENT**

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TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232 and 69.1201, the Pennsylvania Public Utility Commission's ("Commission" or "PUC") Bureau of Investigation and Enforcement ("I&E"), a signatory party to the Joint Petition for Approval of Settlement ("Settlement" or "Settlement Agreement") filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement between I&E and Green Mountain Energy Company ("Green Mountain," "Respondent" or "Company").<sup>6</sup> I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

*I. Background*

By letter dated January 8, 2021, I&E notified Green Mountain that it had initiated an informal investigation of the Company consistent with Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506, and Section 3.113 of the Commission's regulations, 52 Pa. Code § 3.113. I&E advised Green Mountain that its investigation would focus on the Company's marketing, sales and enrollment practices as an electric generation supplier ("EGS") in Pennsylvania, which were brought to I&E's attention as a result of approximately twenty-two (22) informal complaints submitted to the Commission's Bureau of Consumer Services ("BCS") between June 1, 2018 and September 30, 2020, which alleged that the customers' electricity accounts had been switched to receive electric generation service supplied by Green Mountain without their authorization. In response to each of the informal complaints, Green Mountain acknowledged that the switch was unauthorized, occurred at an in-person location and used information obtained from the eligible customer list ("ECL"). BCS became concerned that Green Mountain agents were improperly using the ECL at in-person locations to switch customers to Green Mountain without the customers' consent.

I&E's investigation primarily consisted of service and review of two (2) sets of data requests to Green Mountain. The results of I&E's investigation determined that between June 1, 2018 and September 30, 2020, Green Mountain or agents acting on behalf of Green Mountain<sup>7</sup> enrolled 156 residential customers to receive electric

generation supply provided by the Company without the customers' authorization, with such enrollments originating from Green Mountain's in-person marketing locations. Of the 156 unauthorized enrollments, 141 were the direct result of enrollment processing errors, which occurred when Green Mountain agents inadvertently selected the incorrect customer account from the ECL or where the agent failed to advise the customer that he or she was switching suppliers until after the enrollment was signed. The remaining fifteen unauthorized enrollments involved either sales agent misrepresentation (ten instances) or consisted of straightforward unauthorized switching (five instances).

Had this matter been litigated, I&E was prepared to allege that agents acting on behalf of Green Mountain transferred the electric generation supplier to Green Mountain on at least one hundred fifty-six (156) residential accounts between June 1, 2018 and September 30, 2020 without the authorization of the customers. I&E was prepared to allege that such conduct would have violated 52 Pa. Code §§ 54.42(a)(9), and the Standards for Changing a Customer's Electricity Generation Supplier at 52 Pa. Code §§ 57.171—180 (multiple counts).

I&E's investigation further found that the Company undertook a number of proactive, corrective measures designed to prevent similar occurrences in the future. Most notably, Green Mountain eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The ECL tool now utilizes advanced identification scanning technology to authenticate customer identities, thereby reducing the potential for ECL mismatches. Additionally, to prevent exploitation of the ECL, Green Mountain tightened its disciplinary policy for ECL misuse, which may result in the loss of ECL privileges and potential removal from working on behalf of Green Mountain.

On July 9, 2021, the Parties filed a Joint Settlement Petition resolving all issues between I&E and Green Mountain in the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

*II. The Public Interest*

Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public inter-

<sup>6</sup> I&E and Green Mountain are collectively referred to herein as the "Parties."

<sup>7</sup> A supplier is responsible for fraudulent, deceptive or other unlawful marketing acts performed by its agent. See 52 Pa. Code § 54.43(f) and 52 Pa. Code § 111.3.

est, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to I&E's informal investigation involving allegations that Green Mountain, through its agents, switched customers to receive electric generation service without their authorization. Notably, prior to the initiation of I&E's investigation, Green Mountain took proactive measures targeting ECL misuse in an effort to prevent unauthorized switching at in-person locations.

I&E intended to prove the factual allegations set forth in its investigation at hearing, to which the Company would have disputed. This Settlement Agreement results from the compromises of the Parties. Although I&E and Green Mountain may disagree with respect to I&E's factual allegations, Green Mountain recognizes the seriousness of the allegations and commits to fully complying with the Commission's regulations in the future.

Further, I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation. I&E submits that the Settlement constitutes a reasonable compromise of the issues presented and is in the public interest. As such, I&E respectfully requests that the Commission approve the Settlement without modification.

### III. *Terms of Settlement*

Under the terms of the Settlement, I&E and Green Mountain have agreed as follows:

A. Green Mountain will pay a civil penalty in the amount of One Hundred Fifty-Six Thousand Dollars (\$156,000), pursuant to 66 Pa.C.S. § 3301, to resolve all allegations of unauthorized switching, and to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations and Orders arising from, or related to, the conduct investigated herein. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

B. Green Mountain will provide to each of the one hundred fifty-six (156) customers a refund for the entire electric generation supply portion on the customer's bill for the first two (2) billing periods that the customers were switched to Green Mountain, pursuant to 52 Pa. Code § 57.177(b). Green Mountain will issue the customer refunds within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement. Pursuant to 52 Pa. Code § 5.591, following payment of the refunds, Green Mountain will file with the Commission a verification acknowledging that all refund payments have been disbursed, satisfying this settlement provision.

C. Green Mountain shall refund any cancellation fee or early termination fee imposed by other EGSs and incurred by any of the aforementioned customers as a result of the unauthorized switch to Green Mountain, pursuant to 52 Pa. Code § 57.177(c), provided that the customer supplies documentation of incurring the fee.

D. After the entry of a Final Commission Order in this matter, Green Mountain will provide I&E with a monthly report by the 30th of each month, for a period of one (1) year, detailing complaints from Pennsylvania consumers that were received by the Company from BCS, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to the Company related to allegations of unauthorized switching that originated from in-person marketing locations. The monthly report to I&E shall include customer complaint data from the previous month.

E. Green Mountain agrees to retain customer signatures placed on enrollment tablets used at in-person marketing locations for a period of one (1) year starting after the entry of a Final Commission Order in this matter, and will provide such records to BCS and I&E upon request.

In consideration of Green Mountain's payment of a monetary civil penalty and performance of the above-described terms, I&E agrees that its informal investigation relating to Green Mountain's conduct as described in the Settlement Agreement referenced herein shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement in its entirety.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against Green Mountain at the Commission with respect to the unauthorized switching allegations that are the subject of the instant I&E investigation.

### IV. *Legal Standard for Settlement Agreements*

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; See also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Or-

der entered March 16, 2000). The Commission's Policy Statement sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest." Id.

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the conduct in this matter involves unauthorized switching performed by Green Mountain sales agents at in-person marketing locations, including retail stores and events, where the ECL was readily available to and used by the agents during the enrollment process. Some instances of the unauthorized switching may have been inadvertent, such as mistakenly selecting the incorrect customer from the ECL. Nevertheless, the alleged violations are of a serious nature in that they involve changing a customer's electric generation supplier without consent. Consequently, the seriousness of these violations is reflected in the agreed-upon civil penalty set forth in the Settlement.

The second factor considered is whether the resulting consequences of Green Mountain's alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). I&E submits that no personal injury or property damage occurred as a result of the alleged violations. However, the consequences of the alleged violations may have resulted in customers, who received electric generation supplied by Green Mountain, being charged a more expensive rate than what they had been charged by the local electric distribution company's default service price or the rate of another EGS. Accordingly, I&E avers that some customers may have experienced financial consequences as a result of the actions of Green Mountain agents and such consequences should be deemed serious.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). "This factor may only be considered in evaluating litigated cases." Id. Whether Green Mountain's alleged conduct was intentional or negligent does not apply since this matter is being resolved via settlement of the Parties.

The fourth factor to be considered is whether the Company has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). Green Mountain has extensive practices and procedures in place to vet potential new vendors, train agents, conduct quality assurance and ensure the proper enrollment of customers. In August 2019, Green Mountain modified the ECL search tool to

eliminate the ability of third-party sales agents from scrolling through the list to locate a customer. This limitation was expanded in August 2020 to include all Green Mountain sales agents, both third-party and in-house. The tool now only permits searching for a specific name and populates information if a match is located. Moreover, Green Mountain maintains a stringent ECL misuse policy that enables Green Mountain to suspend a sales agent or entire sales team from using the ECL for one week, thirty days or indefinitely, depending on the severity of the offense.

Green Mountain has also agreed to provide I&E with a monthly report by the 30th of each month, for a period of one year, detailing complaints from Pennsylvania consumers that were received by the Company from BCS, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to the Company related to allegations of unauthorized switching that originated from in-person locations. Green Mountain further agreed to retain customer signatures obtained on enrollment tablets at in-person locations during the enrollment process for a period of one year. Thus, heightened scrutiny will continue to be placed on Green Mountain sales activities at in-person locations.

The fifth factor to be considered relates to the number of customers affected by the Company's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). I&E's investigation revealed that 156 customer accounts were switched to receive electric generation service provided by Green Mountain without the customers' authorizations. Green Mountain solicited residential customers, however, if a residential customer was also a small business owner, residential products could also have been marketed. The incidents of unauthorized enrollments originated from Green Mountain's sales activities at in-person locations that took place between June 1, 2018 and September 30, 2020. In-person retail settings included box stores, farmers markets and festivals. Some customers detected the unauthorized enrollment, promptly contacted Green Mountain to complain and were served by Green Mountain for less than a billing cycle. Other customers received electric generation supply provided by Green Mountain for upwards of a year prior to being switched back to default service or another EGS.

The sixth factor to be considered relates to the compliance history of Green Mountain. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant company may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. Id. Since receiving its EGS license, a total of nine formal complaints were filed by consumers against Green Mountain, all of which resulted in the filing of Certificates of Satisfaction pursuant to 52 Pa. Code § 5.24.<sup>8</sup> Accordingly, no formal complaints have been sustained against the Company. The instant matter is the first case involving an I&E enforcement action brought against Green Mountain and is the first instance in which Green Mountain would pay a civil penalty imposed by the Commission.

The seventh factor to be considered relates to whether the Company cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that Green Mountain cooperated in the investigation in this matter, including cooperating in both informal discovery as well as settlement discussions.

<sup>8</sup> See Docket Nos. C-2014-2419106, F-2015-2472063, F-2017-2635714, C-2017-2639266, C-2018-3000504, C-2018-3004734, C-2019-3007060, C-2020-3015594, and C-2020-3020255.



The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that a civil penalty amount of \$156,000, which is not tax deductible, in combination with the issuance of customer refunds is substantial and sufficient to deter Green Mountain from committing future violations.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). A recent Commission decision, *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Reliant Energy Northeast LLC d/b/a Reliant Energy, NRG Business Solutions, Reliant-NRG, NRG Residential Solutions, NRG Retail Solutions, NRG Home and NRG Business*, Docket No. M-2020-3006647 (Order entered March 25, 2021) (hereinafter referred to as "NRG Home Order"), approved a settlement between I&E and an EGS involving substantially similar facts.<sup>9</sup> Specifically, the NRG Home Order approved a civil penalty of \$1,000 for each customer account that was switched without authority, with the unauthorized enrollments originating from marketing activities that took place at retail and event locations where the ECL was used to obtain customer information. The NRG Home Order also approved settlement terms pertaining to the issuance of customer refunds for the first two billing periods in which customers were switched, reimbursement of any cancellation or early termination fees incurred by customers from another EGS as a result of the unauthorized switch, the provision of monthly reports for a period of one year detailing complaints from Pennsylvania consumers reported to BCS and other agencies related to allegations of unauthorized switching, and the retention of customer signatures on enrollment tablets used at retail and event locations for one year. The above-referenced settlement terms are identical to the agreed-upon terms set forth in the instant matter.

Likewise, Commission precedent in other decisions supports the imposition of a \$1,000 civil penalty for each account that was switched and received electric generation supply service from an EGS without customer consent. See *Pa. Pub. Util. Comm'n, Law Bureau Prosecutory Staff v. MXenergy Electric, Inc.*, Docket No. M-2012-2201861 (Order entered August 29, 2013); and *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Energy Services Providers, Inc. d/b/a Pa. Gas & Electric and U.S. Gas & Electric, Inc. d/b/a Pa. Gas & Electric*, Docket No. M-2013-2325122 (Order entered October 2, 2014) (hereinafter referred to as the PaG&E Order).

<sup>9</sup> Green Mountain is an NRG Energy, Inc. company.

In summary, in looking at the relevant factors that are comparable to other matters involving allegations of unauthorized switching and comparing the allegations to the relief provided in the Settlement—most notably, a civil penalty, customer refunds and a reporting requirement—this Settlement is consistent with past Commission actions and presents a fair and reasonable outcome that is in the public interest.

The tenth factor considers "other relevant factors." 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. Both parties negotiate from their initial litigation positions. The fines and penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this informal investigation proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,

Stephanie M. Wimer  
Senior Prosecutor

Bureau of Investigation and Enforcement  
PA Attorney ID No. 207522  
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Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Dated: July 9, 2021

**Appendix C**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. M-2021-3009235
Green Mountain Energy Company,	:	
Respondent	:	



**STATEMENT OF GREEN MOUNTAIN ENERGY COMPANY  
IN SUPPORT OF JOINT PETITION FOR APPROVAL OF SETTLEMENT**

Pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code §§ 5.231, 5.232 and 69.1201, Green Mountain Energy Company (“GME”) files this Statement in Support of the Joint Petition for Approval of Settlement (“Settlement”) filed by GME and the Commission’s Bureau of Investigation and Enforcement (“I&E”). In support of the Settlement, GME offers the following information for the Commission’s consideration.

*I. Introduction*

The Settlement fully resolves issues related to alleged unauthorized switches stemming from GME’s in-person marketing activities at retail establishments and public events. GME acknowledges that some switches were unauthorized due to agent misuse of the eligible customer list (“ECL”). However, other instances of unauthorized switching that I&E examined during the investigation were the result of inadvertent ECL processing errors. GME believes that an in-depth review of each account that is the subject of this Settlement would reveal that far fewer violations of the Commission’s regulations occurred than alleged by I&E. Rather than expending significant resources developing this defense and engaging the Commission in a possibly lengthy process to adjudicate the propriety of many individual enrollments, GME made the practical business decision to enter into the Settlement. By entering into the Settlement, GME also avoids the uncertainty of litigation.

Through this Settlement, GME has agreed to pay a civil penalty of \$1,000 for each switch that I&E has alleged was not authorized, which is the maximum amount that the Commission may impose for a violation of the Public Utility Code or Commission regulations. 66 Pa.C.S. § 3301. Additionally, prior to initiation of the investigation by I&E, GME proactively took measures to avoid agent misuse of the ECL, and as part of the Settlement, further agreed to a number of conditions. The conditions include refunds to customers, monthly reporting to I&E, and retention of customer signatures on enrollment tablets.

GME believes that the terms and conditions of the Settlement provide for a fair and reasonable resolution of the issues. As such, GME submits that the Settlement is in the public interest and respectfully requests that it be approved without modification.

*II. Discussion*

*A. Summary of Issues*

Approximately 22 consumers filed informal complaints with the Commission’s Bureau of Consumer Services between June 1, 2018 and September 30, 2020 alleging that their electricity accounts had been switched to receive electric generation service from GME without their authorization. The disputed enrollments occurred at retail establishments and public events using information obtained from the ECL. These informal complaints generated the initiation of the informal investigation that resulted in this Settlement.

Through the informal investigation, GME provided information to I&E regarding 156 alleged unauthorized

enrollments during the period in question. The vast majority (over 90 percent) of these allegations resulted from enrollment processing errors where GME agents inadvertently selected the incorrect customer account from the ECL. Due to these errors, GME eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The tool now only permits searching for a specific name and populates information if a match is located. In addition, the ECL tool utilizes advanced identification scanning technology to authenticate customer identities, thereby reducing the potential for ECL mismatches. Further, to prevent ECL misuse, GME tightened its disciplinary policy, which may result in the loss of an agent’s ECL privileges and potential removal from working on behalf of GME.

The primary issue that would have been litigated is an appropriate civil penalty for instances in which an unauthorized switch was proven. GME would have contended that when an unauthorized switch occurred due to an ECL processing error, no civil penalty or a minimal civil penalty is warranted. If an electric generation supplier (“EGS”) could enroll customers with information in their wallets, instead of utility account numbers that are not readily available to customers especially when they are not at home, the ECL would not even be necessary. While the ECL allows for the possibility of human errors, the enrollment process would be greatly enhanced if consumers did not need to memorize their lengthy account numbers in order to choose an EGS. Easing the enrollment process for consumers would also support the General Assembly’s policy determination in support of electric choice. 66 Pa.C.S. §§ 2801 et seq.

*B. Key Provisions of Settlement*

*1. Civil Penalty*

Under the Settlement, GME agrees to pay a civil penalty of \$1,000 for each of the 156 instances in which I&E alleged that the switch was unauthorized, for a total of \$156,000.

*2. Refunds*

With respect to refunds, the Settlement obligates GME to refund two months’ of supply charges to the 156 customers whose accounts were switched to GME allegedly without authorization. In addition, GME commits under the Settlement to refund a cancellation or termination fee incurred by any of these 156 customers as a result of being switched to GME, provided that the customer supplies documentation of incurring the fee.

*3. Reporting*

The Settlement also obligates GME to provide I&E with a monthly report for a period of one year. This report will include details of complaints from Pennsylvania consumers that were received directly by GME and referred to GME by the Commission’s Bureau of Consumer Services (“BCS”), the Attorney General’s Office and the Better Business Bureau related to allegations of unauthorized switching that originated from in-person retail and event solicitations.

#### 4. Signatures

Under the Settlement, GME further agrees to retain customer signatures placed on enrollment tablets used at retail and event locations for a period of one year. GME also commits to providing such records to BCS and I&E upon request.

#### C. Settlement is in the Public Interest

##### 1. Applicable Legal Standards

It is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). Settlements conserve valuable resources of the Commission and the parties. Importantly, the focus of inquiry for determining whether a proposed settlement should be approved is not a "burden of proof" standard, as is utilized for contested matters. *Pa. PUC, et al. v. City of Lancaster—Bureau of Water*, Docket No. R-2010-2179103 (Order entered July 14, 2011). Rather, the Commission reviews settlements to determine whether the terms are in the public interest. See, e.g., *Pa. PUC v. PPL Electric Utilities Corporation*, Docket No. M-2009-2058182 (Order entered November 23, 2009).

The Commission's Policy Statement at 52 Pa. Code § 69.1201, which sets forth various factors and standards that are used in evaluating settled cases, is a codification of the Commission's decision in *Rosi v. Bell Atlantic-Pa., Inc. and Sprint Communications Company*, Docket No. C-00092409 (Order entered February 10, 2000). These factors and standards are utilized by the Commission in determining if a proposed civil penalty is appropriate, as well as if an overall proposed settlement is reasonable and its approval is in the public interest. 52 Pa. Code § 69.1201(a). Although the same criteria are used in the evaluation of both litigated and settled cases, they are not applied in as strict a fashion to settled cases, and the parties in settled cases are afforded flexibility in reaching amicable resolutions as long as the settlement is in the public interest. 52 Pa. Code § 69.1201(b).

##### 2. GME's Position

Had this matter been litigated, GME would have presented evidence to show that in the vast majority of instances that are the subject of this Settlement, the alleged unauthorized switches occurred as a result of inadvertent ECL processing errors. As such, any civil penalty for proven unauthorized switches should be far lower than that sought by I&E due to a number of factors. These factors include: (i) GME's modifications to its internal practices to prevent any recurrence of this practice; (ii) the extremely small percentage of GME's customer base in Pennsylvania that is the subject of this Settlement; (iii) the unintentional nature of over 90% of the switches that were not authorized by the customer; (iv) GME's history of compliance with the Commission's regulations; (v) GME's cooperation with I&E during the investigation; and (vii) the robust programs that GME has in place, and continuously improves, to train sales agents, monitor agent performance, enforce agent compliance with requirements, complete enrollment verifications, and conduct quality assurance activities. By agreeing to pay a civil penalty of \$156,000, in lieu of advancing these arguments, GME avoided the uncertainty of litigation.

#### 3. Application of Policy Statement

##### a. Seriousness of Allegations

The first factor that is considered under the Policy Statement is whether the allegations were of a serious

nature, such as willful fraud or misrepresentation, as opposed to administrative or technical errors. 52 Pa. Code § 69.1201(c)(1). GME acknowledges that allegations of switching customers without authorization are of a serious nature, and that the Commission has established a zero tolerance policy for switching customers without their consent. See *PUC v. MXenergy Electric Inc.*, Docket No. M-2012-2201861 (Order entered December 5, 2013, at 3, 9) (Commission had previously rejected a settlement that called for a civil penalty of \$500 per unauthorized switch; in approving a settlement providing for a civil penalty of \$1,000 per unauthorized switch, Commission noted its long standing zero tolerance policy for such conduct).

GME has likewise implemented a zero tolerance policy and agrees that switching customers without their consent is a serious violation of the Commission's regulations and GME's policies. Nonetheless, GME notes that the vast majority of the allegations that are the subject of the Settlement were not of an intentional nature. Indeed, over 90 percent of the accounts that were switched, allegedly without consent, occurred as a result of enrollment processing errors where GME agents inadvertently selected the incorrect customer account. The negotiated civil penalty of \$1,000 per alleged unauthorized switch appropriately reflects the seriousness of I&E's allegations. See *MXenergy* at 9.

##### b. Seriousness of Consequences

The second factor that is evaluated under the Policy Statement is whether the resulting consequences of the alleged actions were of a serious nature, such as whether personal injury or property damage was involved. 52 Pa. Code § 69.1201(c)(2). No allegations have been raised about personal injury or damage. Therefore, the consequences were not serious and this mitigating factor supports the negotiated civil penalty. See *MXenergy* at 10.

##### c. Intentional vs. Negligent

The third factor identified by the Policy Statement is whether the conduct at issue was deemed intentional or negligent. 52 Pa. Code § 69.1201(c)(3). Since this factor is only considered in evaluating litigated cases, it is not relevant in reviewing the Settlement.

##### d. Modifications to Practices and Procedures

The fourth factor that is considered under the Policy Statement is whether the regulated entity has made efforts to modify its internal practices and procedures to address the allegations at issue and prevent similar conduct in the future. These modifications may include improving company techniques. 52 Pa. Code § 69.1201(c)(4).

GME has eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The tool now only permits searching for a specific name and populates information if a match is located. GME has also since deployed a technology solution to authenticate customers' identities, thereby narrowing the ECL search results. Additionally, GME has tightened its discipline policy for agents found to have committed ECL errors.

Further, GME has agreed to issue refunds of two months' of supply charges to all 156 customers whose accounts are alleged by I&E to have been switched without authorization. GME has further agreed to refund any early termination or cancellation fees that those customers incurred as a result of the switch, provided that the customer furnishes documentation.

In addition, GME has robust programs in place, which it continuously improves, to train sale agents, monitor agent performance, enforce agent compliance with requirements, complete enrollment verifications, and conduct quality assurance activities. GME has also agreed to provide monthly reports to I&E for a period of one year. These reports will detail complaints that GME receives directly from consumers and complaints that are received from BCS, the Attorney General's Office and the Better Business Bureau relating to allegations of unauthorized switching that originated from in-person retail sales and event solicitations. GME's reports will include the following details: the complaint/incident date, customer sign-up date, utility account number, a synopsis of the complaint or incident, and the results of GME's investigation of the incident.

All of these measures demonstrate GME's commitment to addressing the allegations of unauthorized switching and to avoid similar incidents in the future. Therefore, this mitigating factor supports the negotiated civil penalty. See *MXenergy* at 10.

e. *Number of Affected Customers*

The fifth factor that is evaluated under the Policy Statement is the number of customers who were affected and the duration of the alleged violations. 52 Pa. Code § 69.1201(c)(5). Here, the 156 customer accounts that are the subject of the Settlement represent a very small fraction of GME's enrollments over the same period and an even more miniscule fraction of GME's total customer base. Looking at it from the standpoint of the number of residential customers who are receiving electricity from an EGS, the percent of affected customers is so negligible as to be de minimus.<sup>10</sup> While GME does not offer this statistic to minimize the experiences of individual consumers whose accounts were switched without consent, this perspective does demonstrate that the proportion of affected customers was not large. *MXenergy* at 11. It also supports GME's assertion that it takes compliance very seriously and has a robust sales performance program aimed at ensuring compliance and rooting out problems.

As to the duration of unauthorized switches, all affected and potentially affected customers are receiving refunds for the first two months' of supply charges, consistent with the Commission's regulations. 52 Pa. Code § 57.177(b). Since customers should have reasonably known of a change in EGS within the first two billing periods, they could have complained and been returned to their prior EGS or default service. Therefore, any duration of an unauthorized switch beyond two months is not relevant. This mitigating factor supports the negotiated civil penalty.

f. *Compliance History*

The sixth factor is the compliance history of the regulated entity. 52 Pa. Code § 69.1201(c)(6). Only 7 formal complaints have been filed against GME since it was licensed in 2011, with 4 of them alleging unauthorized switches and none of them being sustained by the Commission.<sup>11</sup> As with disputes filed with GME or when informal complaints are filed with BCS, GME works with consumers who file formal complaints to reach amicable resolutions that result in the complaints being fully satisfied and withdrawn. GME's compliance record supports the negotiated civil penalty. *MXenergy* at 11.

<sup>10</sup> According to the May 2021 statistics, 1,382,936 residential customers are shopping for electricity. [https://www.papowerswitch.com/media/xihp4r4qk/paps\\_numbers\\_053121.pdf](https://www.papowerswitch.com/media/xihp4r4qk/paps_numbers_053121.pdf)

<sup>11</sup> <https://www.puc.pa.gov/utility/1113241>

g. *Cooperation During Informal Investigation*

The seventh factor that is considered under the Policy Statement is whether the regulated entity cooperated with the Commission's informal investigation. 52 Pa. Code § 69.1201(c)(7). GME cooperated during the investigation, timely responding to I&E's data requests. Settlement, ¶¶ 19, 20. This mitigating factor supports approval of the Settlement. *MXenergy* at 11.

h. *Deterrent Nature of Civil Penalty and Consistency with Prior Decisions*

The eighth and ninth factors that are evaluated under the Policy Statement are the amount of civil penalty that is necessary to deter future violations and past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(8) and (9). The civil penalty of \$1,000 per alleged unauthorized switch is the maximum amount that may be imposed by the Commission. 66 Pa.C.S. § 3301. Also, it is consistent with prior Commission decisions addressing investigations involving allegations of unauthorized switches. See *MXenergy* at 11-12.

i. *Other Relevant Factors*

The tenth item for consideration includes other "relevant factors." 52 Pa. Code § 69.1201(c)(10). It is in the public interest to approve the Settlement and avoid the expense and uncertainty of litigation. In addition, the Settlement provides for refunds to affected customers and reflects modifications to GME's business practices that will provide a public benefit to all prospective customers. *MXenergy* at 12.

j. *Summary*

An evaluation of the factors in the Policy Statement shows that the Settlement is in the public interest and should be approved without modification. Not only does the Settlement sufficiently address the issues raised in this proceeding, particularly where all affected customers have been fully reimbursed for two months of supply charges, it avoids the uncertainty and attendant costs of litigation and allows GME to focus on its EGS operations.

Wherefore, based upon the foregoing, Green Mountain Energy Company respectfully requests that the Commission approve the Joint Petition for Approval of Settlement without modification.

Respectfully submitted,

Karen O. Moury  
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Eckert Seamans Cherin & Mellott, LLC  
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Dated: July 9, 2021  
Counsel for Green Mountain  
Energy Company



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
 Bureau of Investigation and Enforcement, :  
 Complainant :  
 :  
 v. : Docket No. M-2021-3009235  
 :  
 Green Mountain Energy Company, :  
 Respondent :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Karen O. Moury, Esquire  
 Eckert Seamans Cherin & Mellott, LLC  
 213 Market Street, 8th Floor  
 Harrisburg, PA 17101  
 kmoury@eckertseamans.com  
 Counsel for Green Mountain Energy Company

Stephanie M. Wimer  
 Senior Prosecutor  
 PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
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 717.772.8839  
 stwimer@pa.gov

Dated: July 9, 2021

[Pa.B. Doc. No. 21-2098. Filed for public inspection December 10, 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 27, 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 27, 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 Com-

mission’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.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2021-3029723. Lync Transportation Services, LLC** (2913 Larkspur Lane, Secane, Delaware County, PA 19018) persons in paratransit service, by motor vehicle, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-2021-3029741. Mercy Ambulance & EMS, Inc., t/a Mercy Ambulance, t/a Mercy Fleet, t/a Mercy Group** (3021 Franks Road, Suite 8, Huntingdon Valley, Montgomery County, PA 19006) a corporation of the Commonwealth—for the approval of the transfer of 500 shares of issued stock, from Anastasia Andries (500 shares), to Mercy Transporation Holding, LLC (400 shares) and Mikhail Danilov (100 shares). *Attorney:* Karen O. Moury, Esquire, Eckert Seamans Cherin & Mellot, 213 Market Street, 8th Floor, Harrisburg, PA 17101 (Seller) and Paul A. Mitchell, Esquire, Lippes Mathias, 50 Fountain Plaza, Suite 1700, Buffalo, NY 14202-2216 (Buyer).



**Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2021-3029633. 412 Limo, LLC** (206 Hankey Farms Drive, Oakdale, Allegheny County, PA 15071) for the discontinuance and cancellation of its right and privilege to transport persons in limousine service, from points in Allegheny County to points in Pennsylvania, and return; excluding areas under the jurisdiction on the Philadelphia Parking Authority.

**A-2021-3029721. T. M. McDermott & Co., Inc.** (900 Vista Drive, West Chester, Chester County, PA 19380) for the discontinuance and cancellation of its right to transport, by motor vehicle, persons in limousine service, from points in the Counties of Chester, Delaware and Montgomery to points in Pennsylvania, and return; excluding that service which is under the jurisdiction of the Philadelphia Parking Authority, as originally docketed at A-2010-2189005.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2099. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Water Service

**A-2021-3029704. The York Water Company.** Application of The York Water Company under 66 Pa.C.S. §§ 507, 1102(a)(1) and (3) (relating to contracts between public utilities and municipalities; and enumeration of acts requiring certificate) for approval of the right of The York Water Company to: (1) acquire certain public water facilities from Franklin County General Authority and Letterkenny Industrial Development Authority; (2) begin to offer or furnish water to the public in portions of Greene, Hamilton and Letterkenny Townships, Franklin County; and (3) enter into a municipal contract with Shippensburg Borough Authority for bulk raw water service.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 27, 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 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:* The York Water Company, 130 East Market Street, York, PA 17401-1219

*Through and By Counsel for:* Michael W. Hassell, Esq., Devin T. Ryan, Esq., Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, (717) 612-6052, [dryan@postschell.com](mailto:dryan@postschell.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2100. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Transportation Network Company Applications in the City of Philadelphia

The following application to render service as a transportation network company in the City of Philadelphia under 53 Pa.C.S. Chapter 57A (relating to transportation network companies) has been filed with the Philadelphia Parking Authority's Taxicab and Limousine Division. Protests or objections to the following application are prohibited. See 53 Pa.C.S. § 57A05(f) (relating to license issuance and appeal of denial).

**Doc. No. A-21-11-18. HopSkipDrive, Inc.:** An application for a transportation network company license to provide transportation network service in the City of Philadelphia using a digital network through the HopSkipDrive, Inc. application that matches a passenger and transportation network driver in advance of a prearranged ride. *Attorneys:* Alan M. Seltzer, Esq. and John F. Povilaitis, Esq., Buchanan Ingersoll & Rooney PC, 409 North Second Street, Suite 500, Harrisburg, PA 17101.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 21-2101. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has 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 claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

February 16, 2022	Account of Rosina Cammisa-Cantz (Non-Qualifying Part-Time Service)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid,

service or other accommodation to attend the proceeding should contact the Appeal Docket Clerk at (717) 720-4888 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 hearing 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. 21-2102. Filed for public inspection December 10, 2021, 9:00 a.m.]

